SELECTIONS

FROM THE

LETTERS, DESPATCHES, AND OTHER STATE PAPERS

PRESERVED IN

THE FOREIGN DEPARTMENT

OF

THE GOVERNMENT OF INDIA,

1772—1785.

EDITED BY

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Proceedings of the Secret Committee from 2nd March to 27th April 1775.

Fort William, the 2nd March 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQUIRE.

PHILIP FRANCIS, ESQUIRE.

Read and approved the Consultation of the 24th ultimo.

GENERAL CLAVERING begs to lay before the Board the following minute with the letters and papers referred to in it:—

To LIEUTENANT-GENERAL JOHN CLAVERING, Commander-in-Chief, &c.

SIR,—Just as I was about stepping into my carriage yesterday, in order to leave the presidency on my way to the ship, on which I had taken my passage for England, Colonel Leslie, the late Quartermaster-General, came to my house and delivered the following bill.

Colonel Alexander Champion, late Commander-in-Chief of the East India Company's Troops in Bengal, to Lieutenant-Colonel Leslie......................Dr.

To building cantonments and supplying materials, &c., for the Company's troops under your command at Bissouly in the Rohillah country, in May 1774, by your orders, fifty thousand Sonnat rupees, which you received from the Vizier Sujah Dowlah for that purpose . . . 50,000 Sonnat rupees.

E. E.

FORT WILLIAM,
The 22nd February 1775.

(Sd.) MATHEW LESLIE,
Quartermaster-General.

As the payment of this bill, were it just, would fall upon the Company, I think it incumbent on me to make you acquainted with the following circumstances.

When the late Vizier determined that the army should canton at Bissouly, it was directed in general orders "that the several corps should send certain proportions of lascars, bildars, &c., and all the haicaries and tavildars in the Company's pay to the Quartermaster-General, under whose orders they are to be employed in erecting cantonments for the troops. Colonel Galiez will be pleased to order as many of the hand and bullock-beasties from the brigade as can possibly be spared to assist in performing this service."

9th May.

On the 19th May the following paragraph was inserted in orders:—

"The ground for the officers' cantonments having been marked out this morning, it is recommended to them to set about building bungalows without delay." These were the only orders I recollect to have given on the subject of building cantonments.

In consequence of the first of them, one thousand and eighty-four men, in the Company's pay supplied by the different corps, were employed in erecting these temporary barracks, and from the second, it is evident, that the Quartermaster-General had nothing to do with the officers' bungalows.

Colonel Leslie has adventured to give it under his hand in this bill that I received fifty thousand Sonnat rupees from the Vizier for the purpose of erecting cantonments. It is not long since, he alleged, that I had received ninety thousand rupees on that account; perhaps he means to display his moderation in only demanding fifty out of the supposed ninety. Had His Excellency been even profuse enough of his money to have given that sum, it is not obvious that the Quartermaster-General would have any claim to a farthing of it.

I need not observe to you, Sir, who are so well acquainted with the nature of military service, that his concern in buildings must have depended entirely on my pleasure as Commander-in-Chief of the forces.

I know not who was Colonel Leslie's informer, or whether the idea originated with himself, but, be that as it may, I must beg leave positively to declare here, as I did to him personally, that the Vizier never advanced a rupee more than nineteen thousand, of which I never saw one; they were expended as per account produced.

If Colonel Leslie had built the cantonments and furnished the materials, why did he not, whilst we were in the field, present his bills to me to be countersigned that they might be afterwards subjected to the examination of the Auditor of Accounts.

If he had any just demand the Company were his debtors, and I believe it is the first instance that ever occurred of a Quartermaster-General making out a private bill for public works.

It is true that if the Company had been charged for these cantonments, and if I had been capable of appropriating money received to defray the expense of them, the Administration would undoubtedly have a just demand upon me for a reimbursement, but surely the Quartermaster-General, even supposing him to have purchased the materials, ought to have made his demand of payment upon the Company.

What renders this charge of Colonel Leslie's still more extraordinary is that he was sick and incapable of any duty whilst these cantonments were erecting, under the inspection of Captain Landig, Deputy Quartermaster-General, so that if any demand could with propriety be made, Captain Landig had the sole and only right to make it, as he then became the principal.

But the truth is that there was no expense incurred. I had insisted with Vizier that the Company should be put to no charge whatsoever for cantonments. His Excellency therefore agreed to furnish all the materials, and the Company's lascars, tavildars. The Vizier's and Company's haicaries with proper escorts were employed under the sanction of His Excellency to cut down and collect timber, bamboos, and straw; and not only were the whole materials provided for the cantonments in this manner, but all the grammies or thatchers, and all the extra coolies, &c., hired in order to expedite the work, were daily paid at the Vizier's expense agreeably to the accompanying account.

Colonel Leslie has demanded above six thousand pounds on account of erecting cantonments for which he never expended, nor was ordered to expend, a shilling, and which were raised whilst he was confined to his quarters by a long and severe illness. He has wantonly and injuriously attacked the character of his late Commander-in-Chief in a manner the most unbecoming.

When I wrote to Mr. Hastings warmly recommending Lieutenant-Colonel Leslie to the command of the 1st regiment, and consented to resign my brigade in his favor, I little imagined that he would have given occasion for an address of this nature.

I can only regret that I was so much mistaken in the man, and that I am under the necessity of requesting you will be pleased to submit these circumstances to the Administration, who, I am persuaded, will take such public notice of that officer's conduct as it seems most justly to merit.

He has presented a bill positively asserting that he built the cantonments, and that he furnished the materials. I have already said, and I again repeat it, that he did neither one or the other; yet Colonel Leslie thought proper, on the 22nd February, formally to subscribe to this bill with his rank, and in

character of Quartermaster-General. I leave you to reflect on this, Sir, and I have the honor to be, &c.

BUDGE BUDGE,
The 23rd February 1775.

(Sd.) A. CHAMPION.

I had just furnished the above when I was favored with an address from an Attorney-at-law on the part of Colonel Leslie. I must beg that you will be pleased to take immediate steps to relieve me from these embarrassments, as I am too far advanced in my departure for Europe to be retarded without sustaining many disadvantages. I enclose the Attorney's papers.

To COLONEL LESLIE, Commanding the 1st Brigade.

SIR,—I have just received a letter from Colonel Champion of the date of yesterday, informing me that when he was on the point of his departure from the fort to take his passage for England, you had called on him and did put a paper into his hands in the following words :—.

" *Colonel Alexander Champion, late Commander-in-Chief of the Company's Troops in Bengal, to Lieutenant-Colonel Leslie ....Dr.*

To building cantonments and supplying materials, &c., for the Company's troops under your command at Bissouly in the Rohillah country, in May 1774 by your orders fifty thousand Sonnat rupees, which you received from the Vizier Shujah Dowlah for that purpose . . . . Sonnat rupees 50,000.

E. E.

(Sd.) MATHEW LESLIE,
Quartermaster-General.

As by the above demand you make yourself creditor for money which you say the Colonel received from the late Vizier, it is my order that you furnish me with the proof you have that Colonel Champion did receive the specifick sum which you therein mention; and likewise that you acquaint me with your reasons for believing that, if Colonel Champion did receive that or any other sum from the Vizier for the cantonments, he has not accounted to the Company or the Vizier for the same.

It is necessary I should be informed of these particulars as soon as possible, in order that I may lay them before the Governor-General and Council, so as to enable them to take such measures as they may think proper for recovering whatever sums may appear to be due to the Company, or to the Vizier, by Colonel Champion on the above account.

It appears to me by the demand you have made on Colonel Champion that you have actually expended fifty thousand rupees. It is very proper your demand should be adjusted and paid by the Company when liquidated.

For this purpose it is incumbent on me to require of you that you do immediately lay before me your account for all disbursements made by you, together with the vouchers, that I may send them to Colonel Champion to have them countersigned, and afterwards passed by the Commissary-General.

FORT WILLIAM,
The 24th February 1775.

I am, &c.,
(Sd.) J. CLAVERING.

To GENERAL CLAVERING, Commander-in-Chief, &c.

SIR,—I have the honor to receive your letter of the 24th instant, respecting an affair depending betwixt Colonel Champion and me.

I have the very highest respect for General Clavering and deference for his opinion, but on this occasion I humbly conceive I am not amenable to him.

In his character of Counsellor I cannot, as I have not made any demand on the Company, nor as Commander-in-Chief, as I had not the honor to be

under h's command when the affair occurred, and besides it is a circumstance of a private nature—I was employed by Colonel Champion as a labourer, and I hope I shall be found worthy of my hire.

I confess my obligations to you for the anxiety you express that my account may be adjusted for the purpose of my receiving payment from the Company; my demand is, as stated in your letter, not against the Company but against Colonel Champion, my employer. I hope therefore I shall stand excused in not troubling you with accounts and vouchers respecting my private demands; I must reserve them to ascertain my rights in the Courts of Law, where I am determined to get such redress as by law I am entitled to.

FORT WILLIAM, *The 25th February 1775.* } I have the honor to be, &c., (Sd.) MATHEW LESLIE.

To GENERAL CLAVERING, Commander-in-Chief, &c., &c.

SIR,—By your favor of the 24th of this month, with which I am honored, it is your order "that I do immediately furnish you with the proofs that I have that Colonel Champion did receive the specific sum mentioned in a note by me delivered to the Colonel, dated the 22nd February 1775, and likewise that I acquaint you with my reasons for believing that, if Colonel Champion did receive that sum from the Vizier for the cantonments, he has not accounted to the Company or Vizier for the same."

You said that it appeared to you by the demand I had made on Colonel Champion that I had actually expended 50,000 rupees; and that it was proper my demand should be adjusted and paid by the Company; and for that purpose you required me to lay before you my account for all disbursements made by me, together with the vouchers, that you might send them to Colonel Champion, to have them adjusted and afterwards passed by the Commissary-General.

I shall always receive the orders of the Commander-in-Chief on subjects in which I am amenable to him with proper respect, and shall, as a soldier ought, pay implicit obedience to them; had your orders bore the most distant relation to such subjects I would have done all in my power to conform to them.

In the letter I had the honor to transmit to you, in which I declined sending you my demand against Colonel Champion, and my vouchers to support it, I did (thanking you nevertheless for putting me in a train to recover it against the Company) disclaim, and I do hereby again disclaim, any demand whatever against the Company, nor do I mean or think myself entitled to deliver in any account on this head to the Commissary. I must again repeat that my demand is personally against the Colonel, and is entirely of a private nature, and has no reference to any expenses of the last campaigne chargeable to the Company's account.

I by no means controvert your power of calling for the account of expenses for the last campaigne, if by that you mean such expenses as are to be brought to a publick account. I have not refused to deliver in any such accounts; I have only explained that my accounts were not of that nature. The reason I have not sent the documents you required was that they are not of the kind you suppose; I have no such, which I hope will be a sufficient apology for not sending them, and will, I hope, avert the effects of that displeasure which I feel myself unhappy in having fallen under.

With respect to the former part of your order of the receipt of the money, and my private reasons as to the disposition of it by Colonel Champion, and even as to my private demand against him, that I may not be thought wanting in respect and deference to you, I have the honor to acquaint you that I have given instructions to my Attorney-at-Law to file bills of discovery in the Courts at Law, from which my proofs must chiefly arise, which I have no doubt will turn out complete, and I shall, when I have so procured them, with the greatest pleasure lay them before you for your private satisfaction.

As you mention in the first part of your favors that when Colonel Champion was just on the point of departure I made my demand on him, I must take the liberty to inform you that I had during the whole campaigne been

very explicit with Colonel Champion on the subject of it—that I had an interview with him many days before his departure—that I did then inform him of the reports and opinions of the world—that several things had reflected censure upon me, and I did request he would explain these matters to me. He seemed candid towards me, and expressed his concern that any matter of censure had seemingly reached me, and he assured me in the most solemn manner that in a very few days he would perfectly satisfy every doubt and apprehension of mine, with the performance of which I was flattered, till the point of his departure from this place, when to my surprise he told me he could satisfy me but would not.

FORT WILLIAM,
The 26th February 1775.

I have the honor, &c.,
(Sd.) MATHEW LESLIE.

To COLONEL LESLIE, Commanding the 1st Brigade.

SIR,—In answer to the honor of your letter of this date, wherein you refuse to send me the documents required of you in my letter of yesterday, I am sorry to be obliged to acquaint you that I differ so totally with you in opinion with respect to the power I have to call for such accounts of the expenses of the last campaigne, which have not yet been delivered into the Commissary-General to be audited, that in vindication of my authority I shall be under the necessity of taking a step which must prove very disagreeable to you if you refuse to submit to it; I hope you will prevent it by your obedince.

I am, &c.,

The 25th February 1775. (Sd.) J. CLAVERING.

N.B.—This letter should come in before the foregoing.

From COLONEL CHAMPION to the Nabob Vizier, in Camp, dated the 24th June 1774.

That the money he had before advanced for building the cantonments being expended the Colonel begs he will order another supply. He hoped Rs. 10,000 would have been sufficient for the whole, but now finds more to be necessary.

(Sd.) A. CHAMPION.

True copy taken from the letter book wrote by Lieutenant Roberts.

(Sd.) A. MACPHERSON.

From COLONEL CHAMPION to the Nabob Vizier, in Camp, dated the 8th July 1774.

The different workmen of the cantonments being in arrears six days the Colonel begs he will advance more money on account of the cantonments.

(Sd.) A. CHAMPION.

True copy taken from the letter book wrote by Lieutenant Roberts.

(Sd.) A. MACPHERSON.

Translation of a letter from the Nabob Vizier to COLONEL CHAMPION.

I have received your letter and what you have wrote relative to the cantonments is understood. I have given instructions to Elich Khan Bahadir to prepare materials.

(Sd.) A. CHAMPION.

Translated from the original.

(Sd.) A. MACPHERSON.

Secret Dept., Fort William, the 3rd March 1775.

Friday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQUIRE.

PHILIP FRANCIS, ESQUIRE.

Read and approved the Consultation held yesterday.

Resumed the consideration of the separate Minutes delivered in by each Member of the Board in Consultation of 13th ultimo on the subject for a new treaty to be entered into with the Nabob of Oude, and of the instructions to be given to the Resident at his Court.

It being resolved that a new defensive treaty shall be executed with the Nabob Asoph-ul-Dowlah, in case he himself shall solicit it, it remains to be determined what part of the Nabob's dominions shall be included in this defensive treaty.

The Governor-General remarks that the Nabob's present dominions consist of the Soubehdahry of Oude, the district of Corah and Illahabad, the country lately conquered from the Rohillahs, and the late Vizier's conquests in the Duaub. To these may be added the Zemindarry of Rajah Cheyt Sing, which is tributary to the Nabob, and the Governor proposes that the question be put which of these territories shall be included in the proposed defensive treaty.

MR. FRANCIS —My opinion is that we may with propriety guarantee to the present Nabob of Oude for his life all the countries guaranteed to the late Vizier by the Treaty of Illahabad, except the dominions of Cheyt Singh. I think that this guarantee may be also conditionally, and *pro tempore,* extended to the countries of Corah and Illahabad, until we shall be informed whether the Treaty of Benares be ratified or disapproved of by the Court of Directors. I do not think it safe or prudent, to enter into any engagements, that may eventually carry the Company's forces beyond the limits of the countries I have mentioned.

MR. BARWELL.—In the different resolutions that the Board have come to as a ground-work for a new defensive treaty, it is acknowledged that this Government is bound to support the right and pretentions of the son of Sujah Dowlah to the succession of his father's dominions, and orders have conformably to this resolution been sent to Colonel Galliez. Upon what terms the Nabob of Oude was to have his pretensions to succeed his father supported by this Government is not expressed. I therefore conceived that the aid of our troops was hereafter to be settled, by a subsidy adequate to the expense, and that the intention of the Board was expressly declared of opposing any competitor in prejudice to the rights this Government sanctify; and as I do not suppose there is any design in the English Government to withdraw the countenance already shewn the son of Sujah Dowlah, and by such means render commotions probable which may reduce him to that distress, to solicit our interposition on any terms, I imagine the Son of Sujah Dowlah is to be maintained in the Soubehdary of his

father, on the equitable footing of his disbursing the just charge of the armament he requires for his support, and if 2,10,000 rupees are inadequate to the expense of the brigade, it should be rated as high as the real charge. I premise this before I proceed to answer the question, because every additional advantage to be obtained to this Government, both upon the principles of equity and policy, must be in proportion to the advantages it gives to the other contracting parties. If therefore we propose the acquisition of wealth to this Government, that acquisition can only be in proportion to the policy which shall be adopted, and as I conceive the English Government may be benefitted both in its finances and its powers cf external defence, by guaranteeing the countries already in possession of the Soubah of Oude, such guarantee in my opinion should take place: if it does not, I must propose, equally for the mutual defence of our ally and this Government, that every after-persuation shall be used to influence the Soubah to maintain a body of 12,000 sepoys, agreeably to the English establishment, to be commanded by our officers and the pay to be advanced to the officers who shall issue it to the sepoys; thus either by guaranteeing all the countries now depending on the Soubah of Oude, or the alternative of furnishing him with means of maintaining his conquests, some advantages will result to the State, otherwise I do not see any means that is to influence a Prince to make such concessions as appear from the different minutes of some of the Members to be expected from him.

Colonel Monson.—I do not conceive it to have been the intention of this Government to support Mirza Amauny in the succession of the late Vizier's entire dominions; the intention was to acknowledge the succession, and to support him, under certain stipulations, in the Soubehdary of Oude. The defensive treaty now proposed to be entered into with that Prince for the guarantee of his dominions should not extend beyond those of Oude, Corah and Illahabad, with the proviso that the Treaty of Benares is ratified by the Company. This guarantee should only be granted on such terms as may be advantageous for the Company. If the guarantee is to extend beyond the antient dominions of the Soubehdary of Oude, an equivalent is to be given to the Company for that extraordinary service granted to the Nabob. If in this defensive treaty the Nabob should make a requisition of any part of the Company's military force he is to defray the whole expense attending them.

General Clavering.—The opinion of the majority of the Board, when the question was agitated, whether there was an obligation by treaty in this Government to interfere in regulating the succession to the late Vizier, was absolutely that there was no such obligation. However, on occasion of the succession, it was agreed to acknowledge Mirza Amauny to be the heir, and the successor to his father Sujah Dowlah. The question, therefore, is at present open, for any resolution which the Board pleases to take in regard to the defensive alliance. It was agreed that we would enter into it with Mirza Amauny, provided he proposed it. On this footing I am ready to consent to guarantee the possession of the province of Oude to the young Nabob, provided he on his part consent to cede to the Company the sovereignty of Cheyt Singh's conntry, and whenever he requires the assistance of the Company's forces to defend the province of Oude only, and never to the Rohillah country. I will give my consent to such a subsidiary treaty, on his paying three lacs of rupees monthly, for a complete brigade. With regard to the Province of Corah, I think in justice it ought to be restored to the King, and a negociation set on foot at the same time to obtain from him a renunciation of his tribute upon Bengal.

The Governor-General.—My answer to the question is short, as it can be of no use; we ought in my judgment to guarantee to the Nabob of Oude, the Soubehdary of Oude, the districts of Corah and Illahabad, and the country lately conquered from the Rohillahs, but no more. I do not wish to see the Company's forces carried within the line of the Rohillah country for its defence; I believe that an engagement to defend that country for him would render it unnecessary. I fear he may lose it. We shall in that case have a greater burthen imposed upon us in the defence of the Nabob of Oude, and he be less furnished with means of discharging his engagements with us.

Resolved that the Board will agree to guarantee to the Nabob Mirza Amauny the Province of Oude, and conditionally those of Corah and Illahabad until the pleasure of the Court of Directors on the Treaty of Benares be known.

The Governor-General proposes the following question, whether it shall be made a condition of the new treaty that Rajah Cheyt Sing shall exercise a free and independent authority in his own dominions, subject only to the payment of his tribute.

Mr. Francis.—Yes.

Mr. Barwell.—Yes.

Colonel Monson.—No, I think not, as I see no advantage in it for the Company's interest.

General Clavering.—Provided he pays the tribute to the Company, I, think he should be rendered independent.

The Governor-General.—Yes.

Resolved in the affirmative.

The Governor-General further proposes—

Whether it shall be made an article in the treaty that, in consideration of the engagement to be entered into by this Government to guarantee the possessions of the Nabob of Oude as before resolved, he shall cede and make over to the Company the whole or any part of the tribute due from the Zemindar of Gauzipore.

Mr. Francis.—I consider the cession to the Company of the whole tribute paid by the Zemindar of Gauzipore to the late Nabob as the first and most essential condition of a treaty with the present Nabob; the advantage gained by the Zemindar will be also very considerable, as it has always been my opinion that his authority in his own Government should be left free and uncontrolled; as long as this advantage is preserved to him he must consider it as his interest to be the tributary of the Company rather than of the Nabob.

Mr. Barwell.—The policy which the Company have laid down to be pursued orders us to confine our views to the territories of which we are already possessed, and of course precludes the pernicious consequences which another system might influence. The Company, it is obvious, never intended that upon the necessities of our allies we should grasp at any part of the territories they possessed. The son of a man with whom we were so lately intimately connected, upon a supposition of his standing in need of our assistance, ought not, in my opinion, to be stripped of any part of his paternal territory. I am therefore against any separation of Gauzipore as inconsistent with equity and the Company's instructions: if we can secure to the son of Sujah Dowlah any advantages as an equivalent for such a cession, I think in that case it ought to be demanded, otherwise that we should be content with receiving from him whatever may be the charge of the armament that marches to his assistance.

Colonel Monson.—As I considered the Company's interest as the rule of my conduct, I can have no objections to the whole or any part of the tribute of the Zemindar of Gauzipore being demanded for the Company; but I would by no means consider it as an absolute condition to be made in consequence of the defensive treaty, as I know of no compensation that is proposed to be given to the Nabob for so considerable a concession.

General Clavering.—It is equally repugnant to my ideas of justice, and to my conception of the Company's intentions of not enlarging their territories, to strip any Prince of his possessions to enlarge the Company's territories. I only wish to obtain the sovereignty of Gauzipore by a negociation for equivalent services and for the protection to be given to the Nabob. If he pleases to cede it to us on these terms, it may be held by the Company, without extending the line of defence, which the Court of Directors has prescribed for the rule of our conduct beyond the bounds of our present engagements. By this means the greatest possible advantage will be obtained for the Company, without either violating the principles of justice or exceeding the Company's

orders, since the possession will still remain with the Rajah of the country, though the sovereignty and the tribute to be drawn from it will devolve to the Company.

The Governor-General delivers his sentiments upon the question as follows:—

I am of opinion that a demand should be made of a moiety of the revenue paid by the Zemindar of Gauzipore, but I do not think that we ought to insist on this article, or that the Nabob's refusal to consent to it should prove an impediment to our proceeding on the treaty. The zemindary of Benares, whilst the Nabob's right to the tribute paid in acknowledgment of his sovereignty is admitted, is our best security for the punctual and faithful discharge of his engagements with the Company. It is for ever within our immediate reach, and may be attached at any time in case of such a failure on the part of the Nabob as shall render it necessary and justifiable. A conviction of this advantage, and a dread of incurring so mortifying a penalty, will at all times, except in the case of absolute insolvency, bind the Nabob of Oude firmly to his engagements, and eventually prove a greater benefit to the Company in his possession than if the revenue was converted entirely to their use.

Resolved that the demand be made for the tribute of Gauzipore, but that it be not considered an absolute and indispensable article in the negociation with the Nabob.

The Governor-General proposes, for the next question—Whether the subsidy to be stipulated for the assistance of our troops to the Nabob of Oude by the proposed treaty shall continue on the present footing of 2,10,000 rupees per month for a brigade, or what other sum shall be demanded.

Mr. Francis.—I think that provided the whole tribute from the Rajah of Benares be transferred to the Company, we may then be content with the monthly subsidy on its present footing. This however should be our *ultimatum.* The first demand should be that the pay of our troops while in the Nabob's service should be made equal to their real expense.

Mr. Barwell is of opinion that if the 2,10,000 rupees are not enough the subsidy should be made equal to the real expense.

Colonel Monson.—If the present subsidy is not equal to to the expense a demand should be made on the Nabob to make the subsidy equal to the expense of the troops he may require.

General Clavering.—As I only consented that he should have the assistance of our troops on condition of the cession of Gauzipore to the Company, I am of opinion that, without that condition obtained, no subsidy whatever will be equivalent to the risque and expense which the Company may be drawn into in consequence of our affording support to a Prince so incapable of governing as the young Nabob is represented to be, and who is surrounded on every side by competitors to the several countries to which he has succeeded. The present subsidy is thought to be inferior to the expense of the troops in the field by 70,000 rupees per month, exclusive of the cost of bringing recruits from Europe, and the price of military stores, the amount and the value of which cannot be estimated.

The Governor-General.—I am of opinion that the present subsidy is sufficient, and that it ought not to be increased. I doubt whether a larger sum would in reality prove a gain to the Company.

Resolved, that an increase of the subsidy be demanded from the Nabob to make it equal to the expense of the troops.

Ordered, that the Secretary prepare instructions for the Resident at the Court of Oude, agreeable to the above resolutions and those of the 13th ultimo.

Fort William, the 8th March 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

Secret Dept. THE HON'BLE GEORGE MONSON.

Wednesday. RICHARD BARWELL, ESQUIRE.

PHILIP FRANCIS, ESQUIRE.

Read and approved the Consultation of the 3rd instant.

Mr. Francis having sent in the following Minute the day after the date of the above Council, it was circulated for the perusal of each Member of the Board, and is now recorded.

Mr. Francis' opinion on a new treaty with the Nabob of Oude.

MR. FRANCIS.—I believe it was understood by the Board that, in my answers to the several questions proposed last night by the Governor-General, relative to a new defensive treaty with the Soubah of Oude, I meant that all the conditions which I thought this Government might assent to, in favor of the Soubah, or insist upon in behalf of the Company, had a united and inseparable relation to each other. As however my answer to each position may appear to be given absolutely and independent of that mutual relation by which I meant to unite them, I now beg leave to explain my intention with respect to all the Governor's propositions considered in one view.

1. I make the cession or transfer of the revenue or tribute paid by the Rajah of Benares from the Nabob of Oude to this Government for ever a preliminary and fundamental condition, without which I do not mean to consent to any treaty of guarantee whatsoever in favor of the Nabob, unless an alternative shall be proposed, which may appear equally advantageous to this Government. If, for example, the Nabob would rather relinquish his claim to Corah and Illahabad than his present rights over the zemindary of Benares, I shall be very willing to come to an accommodation with him on that point. The recovery of those countries might enable us to adjust all disputes or differences with the King upon a footing equally honorable and advantageous to the Company.

2. Supposing this first fundamental article to be settled, I then consent to the guarantee of Oude and Benares to the Nabob for his life without any reservation, or if he prefers Corah and Illahabad to Benares, I then include those countries in the guarantee, provided the Treaty of Benares shall be approved of and confirmed by the Hon'ble Court of Directors.

3. With this guarantee, on which one of the two principles it may be settled, I mean to unite the article of the subsidy to be paid for the service of such part of our troops as may be employed at the Nabob's requisition in defending the dominions guaranteed to him, provided the first great point be adjusted to our satisfaction. I would not *ultimately* insist on raising the subsidy beyond its present establishment. The first demand, however, should be made for the entire expense; we may afterwards gradually relax from it if we think proper.

4. In agreeing to the proposed independence of the Rajah of Benares my meaning was to adhere strictly to the third paragraph of my Minute of the 18th February. The zemindary may be perpetuated in his *family* on *fixed* and unalterable conditions. The conditions I proposed tend to secure us a great accession of revenue without any accession of territory. It is highly for his own advantage to be considered as a vassal of the sovereign of these kingdoms, holding a great hereditary fief by a fixed tenure and acknowledging the sovereign of Bengal and Behar to be his Lord Paramount.

Speaking my sentiments without reserve, I must declare that in settling this article I look forward to the assertion or acceptance of the sovereignty of these provinces, *plenofure*, on the part of His Most Gracious Majesty the King of Great Britain.

P. FRANCIS.

The Governor calls on the General, Colonel Monson and Mr. Francis for the informations received from Mahmud Reza Cawn.

The Governor-General having delivered in the following Minute late in Council, the 3rd instant, it is now read and recorded.

The Governor-General begs leave to remind General Clavering, Colonel Monson and Mr. Francis of the promise made by them, in their joint Minute of the 23rd January, "to lay before the Board in proper time such parts of the communications made to them by Mahmud Reza Cawn as may relate to the interest of the Company, or otherwise appear to them to be deserving of attention," and he thinks it his duty to call upon them for these communications that he may have time to consider and record his sentiments upon them before the close of the last despatches.

3rd March 1775. WARREN HASTINGS.

The Governor's Minutes, &c., sent to the Court of Directors per *Pacific.*

The Governor-General delivered in to the Board a copy of his address to the Hon'ble Court of Directors by the *Pacific* and of the papers which he transmitted to the Company with it as follows:—

To the Hon'ble Court of Directors, &c., dated Fort William, the 22nd February 1775.

HON'BLE SIRS,—With this I have the honor to forward triplicate of my letter of the 3rd December, and duplicate of my last.

These addresses I had hoped would have proved sufficient to render any further justification of my conduct unnecessary, but I find the labor multiply upon me by the accumulation of new charges and auxiliary assaults. Unprepared for such hostilities, I had suffered the short interval which succeeded the close of the last packet to pass without looking into the last letter addressed to you by the gentlemen of the majority till the day that was fixed on for the ultimate dispatches of the *Bute* and *Pacific.* The detention of their packets by the load of papers with which the public offices have been recently filled has furnished me with an opportunity of making a brief reply to it. It required some time to compose my mind to a temper suitable to the respect which it is my duty to maintain in an address to your Hon'ble Court after the perusal of a performance of so virulent a nature, but I confess I scarce find myself equal to the reply.

Were the charges contained in it against me explicit and direct, I might quote your records. I might appeal to facts in refutation of them, but dark allusions, mysterious insinuations, bitter invective and ironical reflections are weapons to which I have been little accustomed before the formation of the present Council, and I am equally unacquainted with the arms by which I can defend myself against them. I have been often engaged in contests at this Board from the year 1760 to this time, and have been too frequently compelled to fill many pages of your records with controversial discussions, but I dare boast that there is not a passage, nor even a word in any of them, intended to cast an oblique reflexion on any man, nor an allegation not openly stated and supported by proofs or circumstances which in my conscience I believe to amount to proofs. The rule which I observe to others I require for myself, and in this instance I require no more than common justice. Loose, however, as the charges advanced against me appear, I shall endeavour to answer them as fully as their nature and the short time allowed me will permit.

Remarks on the first Minute of GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS, dated 11th January 1775.

References to part of the letter of General Clavering, &c., 3, 4, 2.

These paragraphs labor to prove, that the conditions exacted from the Vizier by the resolutions of the Board passed on the 20th of November 1773, were the same that the Vizier himself had previously offered for our assistance in the intended war against

the Rohillas, and that of course the rigid terms, which I had said it was probable the Vizier would revolt at, and drop all thoughts of prosecuting the design, had no existence.

In reply I desire that the three articles of the original draft of the treaty which was formed when I was with the Vizier at Benares, containing the first conditions on which it was proposed to assist him in the reduction of the Rohillas, may be compared with the draft of the letter dictated to be written by the Vizier, and containing the conditions on which it was resolved in November 1773 to assist him in that enterprise. The former will be found in my minute of appeal, in page 39 of the triplicate accompanying this, and the latter in the Proceedings of the late Select Committee, dated the 22nd November 1773, and in the Proceedings of the Board in their Secret Department on the 26th November 1773. These will show the difference of the conditions proposed, which consists in this essential point; that the conquest of the Rohilla country was the criterion which established the Company's right to the stipulation of 40 lacs in the first instance; and in the second it is agreed that the 40 lacs should become due and be paid in ready money whenever the Vizier should dismiss the brigade, or one-half of the brigade, whether the country of the Rohillas should be conquered or not.

6. I am here charged with a concealed design formed in concert with the Vizier to *extirpate* the Rohillas; and much use is made of this discovery both by the majority in the letter before me, and by Colonel Champion in his vindication.

The word in the original language of the letter which is here translated to *extirpate* means to expel or remove. In another passage of the letter it is joined with a word which does literally express to *extirpate* or root out, and both passages mean no more than that it was the intention of the Vizier to expel or remove the Rohillas from the country which they occupied, without suffering the smallest vestige of their power to remain in it. In this sense I most certainly did agree to assist the Vizier, and so did the late President and Council, nor can I conceive how the war could have been undertaken with any other object. The majority know as well as myself that the Rohillas are not the people of the country, but a military tribe who conquered it, and quartered themselves upon the people without following any profession but that of arms, or mixing in any relation with the native inhabitants.

I have already described the nature of this tribe in the 9th paragraph of my observations on the first letter of the majority, and the same account of them has been given by Colonel Leslie and Major Hannah, and, if I mistake not, by Colonel Champion himself, in their examination taken before the Board on the 19th and 26th of December.

Major Hannah's words are remarkable. I beg leave to quote them: "I have learned from many people that it is only within fifty years that Rohillas have become masters of the country to the mouth of the Ganges. That they were originally Afghans, came into Hindustan under a Sardar named Doud Cawn; and that they conquered that country from the Hindoos; and that since that time they have followed no other profession than that of arms, and the ancient Hindoos have cultivated the country. The Rohillas are Mussulmen of the sect of Omar, and the cultivators of the country are Hindoos. I suppose the proportion to be about nine Hindoos to one Mussulman."

7 to 9. In original letter Mr. Sulivan's name was erased, and the words "a gentleman in the Direction" inserted in its stead for the purpose of obviating cavils. I do not know that it was a crime in me to correspond with Mr. Sulivan on the Company's affairs, or with any other person whether in or out of the Direction, whose opinion of public measures I thought of weight in the decision, or whose knowledge might assist me in the communication of many points of useful information or advice, which could not be received in the letters and orders of a public office. I appeal to the practice of all my predecessors in this and in every other of the Company's Governments. I dare appeal even to the conviction of the Hon'ble Gentlemen to whom I now address myself for the propriety of my conduct in this particular.

I suspect that the communication of "the Governor's private sentiments to his friend" was thus expressed with no candid purpose. It too obviously glances at the situation in which the late contests among the Proprietors of East India Stock may have placed Mr. Sulivan in respect to the gentlemen who have the rule of affairs; but I entertain too honorable an opinion of those gentlemen to believe that the idea of my being in terms of friendship with Mr. Sulivan can possibly render me obnoxious to them.

The reasoning of the 9th paragraph is fallacious. It was not necessary for me to tell the Court of Directors what I would have done for the retrieval of their affairs in a case which might have happened but did not; neither do I think it a point of duty to magnify the distresses of the Company, or to expatiate on them too forwardly in a public letter, although it might have served the purpose of establishing my own credit by the success of the measures taken to remove them.

The authority of this quotation, though from a private and familiar letter, will not be disputed, and it proves that these were my sentiments at a time when I certainly could not foresee the contest in which I am now engaged. I hope I shall stand acquitted to my more temperate judges of "weakness and impropriety" in referring to it—"We date the change of system from April or May 1773."

In May 1773 I had not left Calcutta. They before dated the change of system from the time of my interview with the Vizier at Benares and insinuated that it proceeded from a secret collusion between us. I have already given a full and connected account of the series of events which produced the Rohilla war in my minute of appeal. To that I refer.

10. It is no contradiction to say that the Company were in distress in May 1773, and that their affairs in Bengal were in a prosperous state in September 1774. It is literally true.

11. "Inconsistent principles of action must of necessity be defended by inconsistent arguments, and by a different language held at different times which no sophistry can reconcile."

The instances to which this reflection alludes are not shown. If it is meant to apply to the subject of the preceding paragraph a further answer is unnecessary.

12 to 14. These paragraphs neither require a refutation nor deserve a reply.

15. I know not by what unheard of prerogative, the gentlemen of the majority pronounce so magisterially that "the late Council assented to measures which their consciences condemned." If so bold an assertion deserves the credit of an examination, I beg leave to refer to the 13th paragraph of my observations on the first letter of the majority for an ample refutation of it. The rest of this paragraph hints at some criminal accusation, which I desire them to produce openly, and in fair language like men, not in dark and mysterious insinuations.

16 to 20. These require no reply.

21. The complaints of the majority that they were not received with proper ceremonies were mentioned to me personally by Mr. Francis, and the offence they had taken on that account was the subject of conversation in public companies.

22 & 23. These require no reply.

24. I call upon the gentlemen of the majority to produce an instance of "any official light being directly withheld from them or communicated with studied perplexity." They have not only had free access to every officer, but each member has at his pleasure called upon the heads of officers to furnish him with copies of accounts, a privilege which, in the former system of Government, was allowed to the President only. With respect to myself I cannot conceive any more candid mode of giving them information of the state of affairs than that which I adopted on their arrival, as explained in my letter of the 3rd

December, which mode I should have continued had they not furnished me with ample occupation for my time, or had I not experienced in the first trial which was made of it, that it was not received for information, but converted to matter of reproach against me.

I have never affected the embellishments of style in any writing which I have committed to record, and many of the minutes which stand in my name were either dictated or written at the Council Board. Yet I believe that few of them will be found deficient in perspicuity having ever made it my aim to avoid the use of technical terms, of several expressions and intricate periods, which are most apt to create obscurity in official writings. How far I have succeeded my employers are best able to judge.

25.

26 to 28. I do not complain that we do not meet often enough or sit long enough; but that when we do meet, we waste our time in altercations instead of proceeding cordially to the despatch of business. Whether this interruption proceeds from me or from my colleagues I leave to our superiors to judge.

"We called upon him repeatedly to inform us what urgent business, &c." I do not remember when I was thus called upon, but I am certain that there was never yet a time in which there were not large arrears of urgent business in both departments, of which we were continually apprised by the Secretaries of both.

29 to 31. In answer to these paragraphs, I beg leave to refer to my minute entered on the Revenue Proceedings of the 20th of December. I flatter myself that neither the Court of Directors nor any one who is acquainted with me will deem me capable of protecting the contractors in the commission of injuctice, because Captain Weller had a concern with them. The Revenue Consultations of the 9th of February, 26th February, 28th April, 29th June, 7th September, 26th October, and 16th November 1773, and the 7th January and 12th of April 1774 will show how little the late Administration were disposed to allow them unreasonable indulgences.

For my complaint of the extraordinary commission given by General Clavering to Mr. Fowke, I refer to the Proceedings of the 13th, 14th, 16th and 23rd December last.

I cannot avoid expressing my surprise to meet in this place with a repetition of the assertion before made by General Clavering, that my banyan Cantoo Baboo was concerned in the complaint which was preferred against Cumal o deen Cawn, because I have produced clean proofs on the Consultations that my banyan had no connection with Cumal o deen Cawn, but regarded him as the instrument of injuries sustained by him in the order passed by the Board for dispossessing him of his teeka collaries (or salt works manufactured by hired workmen) and giving them to Cumal o deen, and in his subsequent disputes between them, concerning the separation of their property in those works. *Vide* Consultations of the 8th February, 21st June, 22nd July, 16th August and 4th October 1774.

32 & 33. The sepoys who were allowed were merely for the purpose of protecting the treasure from the attacks of ducoits. They had in like manner been allowed in other places. The power of obliging Molungees to work has been customary from time immemorial. I will not here agree how far it is proper, it may be taken in consideration hereafter, but if it be oppressive it is no new oppression established by the late Government, nor are the contractors to blame, of whose engagements it was an express clause; with respect to the price and weight they were to be regulated by the former custom. Abuses should doubtless be examined into and redressed; but the complaint might have been examined by the Committee of Revenue and reported to the Board, or by the Board themselves, if it had been judged an object of so much importance as to require their decision upon it, but surely it was unnecessary to give so many days as were thrown away on examinations of the Molungees for the purpose of referring the prosecution of them to the Supreme Court of Justice, while other business of real importance lay neglected.

34 & 35. In answer to these paragraphs, I refer to my minutes entered upon the Proceedings of the 23rd and 30th December.

36. I do not know where it is said "that the Molungees are in a state of vassalage and may be compelled to work at *whatever price the master pleases.*" I have already spoke to this subject in my observations on the 32nd and 33rd paragraphs. I know no other people who are at present under the same restriction except the chunam-makers in the 24-Pergunnahs, and perhaps the salt-petre manufacturers in the Behar province, the public records and particularly the regulations that were formed on the 23rd May 1772, the resolution passed on the 12th April 1773 in favor of the weavers, and that of the Revenue Council on the 16th November, in favor of the Molungees, or salt-workers, will show how much attention was paid by the late Administration to the relief of the ryotts and manufacturers from hardships which they formerly suffered.

37. I was not in Bengal at the time of the famine, but I have always heard the loss of inhabitants reckoned at a third, and in many places near half of the whole. I know not by what means such a loss could be recruited in four or five years. I believe it to be impossible. I will not say there has been no oppressions in the country, but I can safely affirm that it has been my constant aim to prevent them not by encouraging clamorours multitudes to assemble round my gates with complaints against grievances sustained in the extremities of the province, but by the establishment of regular Courts of Justice, where every man aggrieved might apply for redress without deserting his lands or moving far from his habitation, and where recourse might be had for evidence and vouchers on the spot.

38 & 39. The result of the enquiry will be the best guide for judging of the existence of the fraud here mentioned. In the meantime I suspend my opinion; but admitting it to have existed, I wish to know by whom the gentlemen mean it has been countenanced.

40. I leave the Court of Directors to judge by the proceedings whether I could with propriety avoid taking notice of the complaints preferred to me; and whether the consequent interruption to business is to be attributed to me, or to the cause which produced the complaints and to the proceedings of the majority.

41. The assertions of the majority in their address to the Court of Directors rendered it necessary to interrogate the field officers for the Court of Directors' information, and therefore I conceive whatever interruption of business may have been occasioned by it is to be attributed to them, not to me. I believe it will be found, upon a review of the proceedings, that the questions I put were few and pertinent, and that the examination was drawn out to a great length by a variety of questions put by the gentlemen of the majority foreign from the business in hand.

42 & 43.

45 to 49. I refer to the Revenue Consultations of the 30th December 1774, and to the separate set of the Proceedings held in Mr. Cartier's Government on the same complaint then preferred by the Ranny. These proceedings having been long transmitted to the Court of Directors, and never objected to by them; the resolution then taken of trusting the management of the Rajah's household and of his education to the management of Birge Kissore and the guardian rather than to a woman of the Ranny's character should, I think, have been adhered to, unless some new light had been obtained to justify a contrary conduct.

But whatever had been the Board's determination with respect to the management of the Rajah's household, the flourishing state of the Burdwan province, in comparison with that of the country in general, and the consideration of the great increase of revenue it now yields above what was produced from it before its cession to the Company, should at least have secured Birge Kissore from being even suspended from his employment in the revenue without a clear charge and his answer, to enable the Board to determine whether or not there was sufficient ground for prosecuting an enquiry against him. In this part of

his duty he was dependant on the Company alone, and the personal dislike even of the Rajah, were he of age, would not have been a sufficient cause for his removal had he acted faithfully to the Company. The gentlemen speak of his being only suspended, but every one understands the measures which have been taken as a total and absolute dismission of him.

50 to 53. I refer to the Consultations of the 7th of February 1774 for the motives of the late Administration in granting to Colonel MacLean the provision of the petty stores which could not be contracted for. The Company were sure of saving by it at least 15 per cent. The saving has been much more considerable, and was in fact the most effectual method of reducing the Company's expences in those articles. I do not know on what grounds it is affirmed that he carried a considerable quantity of merchandize with him to the army. I am assured and do believe he carried none. He was not made the Comptroller of his accounts as Commissary of supplies. These were ordered to be furnished by indents countersigned by the Commanding Officers, and the accounts to be audited by the Board. For more particular information if you will be pleased to call upon Colonel MacLean, I doubt not he will afford you full satisfaction. That an advance of 9,000 rupees to Colonel MacLean should have escaped my memory will not, I hope, be thought a great crime. As to the "irregular manner in which the Company's money affairs have been conducted" I cannot wish for a more complete refutation of this assertion than the general establishments which have been formed in the Revenue Department and in the Board of Inspection for the controul of charges.

54. I shall beg leave to subjoin lists of the persons proposed by me, and those nominated by the majority to the Provincial Councils, by which it will appear how little respect was paid to my recommendations. It was my opinion that the gentlemen who already filled these stations were the best qualified in general to hold them, and that the revenue is always liable to suffer by a change of those who have the actual management of them, because new men carry with them new ideas and a new set of dependants; they frequently have their business to learn, and however they may themselves be disposed, the hopes and fears of the farmers and other persons connected with the revenue will naturally draw them to look to innovations, and occasion a temporary remissions in the payment of the collections.

In the list therefore which I made out for the Provincial Councils, I inserted the names of all those who were then in those departments, and I proposed for the vacancies such as by their standing in the service, by local knowledge, or by the recommendations of the Court of Directors, were best qualified and entitled to fill them.

MURSHEDABAD.

Appointments proposed by me for the Provincial Councils.		Appointments made by the Board on the 20th December 1774.	
Mr. Edward Baber	32	Mr. Edward Baber	32
*Henry Palmer	33	William Maxwell	47
William Maxwell	47	William Hosea	64
William Hosea	64	John Hogarth	72
John Hogarth	72	*David Anderson	87

The names which I have marked were not before of this Council. All the rest were. I recommended Mr. Palmer for the vacancy, but he was rejected, and Mr. Anderson, a junior, put in his stead.

PATNA.

	Rank.		Rank.
Mr. Robert Palk	18	Mr. Robert Palk	18
*Mr. Edward Stephenson	22	Isaac Sage	24
Simeon Droz	25	Simeon Droz	25
Ewan Law	42	Ewan Law	42
Edward Golding	43	Edward Golding	43
*William Young, (Supernumerary)	53	William Young (Supernumerary)	53

In this list I proposed Mr. Stephenson, who formally had been a member of the Council at Patna, to be the Chief (Mr. Palk being on the point of being summoned to the Board of Trade). He was rejected and Mr. Sage, a junior, put in his stead. I recommended Mr. Young and he was appointed.

DEENAGEPORE.

*Mr. Nathl. Bateman	20	*Mr. William Harwood	37
Herbert Harris	52	William Rooke	44
George Robertson	54	Herbert Harris	52
G. G. Ducarel	55	George Robertson	54
A. B. Goodlad	70	A. B. Goodlad	70
Francis Gladwin (Supernumerary.)	77		

In this list I recommended Mr. Nathl. Bateman to be the chief. He was rejected, and Mr. Harwood, a junior, appointed in his stead. Mr. Ducarel and Mr. Gladwin were recalled and Mr. Rooke appointed in their stead. Mr. Gladwin has since been reinstated.

BURDWAN.

Mr. John Bathoe	23	*Mr. Edward Stephenson	22
Alexander Higginson	27	John Bathoe	23
*William Rooke	44	Alexander Higginson	27
Samuel Lewis	63	Samuel Lewis	63
Charles Fleetwood	79	Charles Fleetwood	79

In this list Mr. Rooke, whom I had proposed, was rejected and Mr. Edward Stephenson, whom I had before recommended for Patna, for which place he was well qualified by local experience, was appointed the chief of Burdwan, of which place he had no experience, nor any other pretentions of preference but that of being one degree above Mr. Bathoe in the service. Although to establish this right in his favor the chiefship of the Patna Council was given to Mr. Sage, who was junior to Mr. Bathoe, a gentleman possessing every qualification for that office, much local knowledge and strong recommendations both of the Court of Directors and the late President and Council on different occasions.

DACCA.

Mr. C. H. Purling	51	Mr. Charles B. Rous	50
*Thomas Pattle	65	C. H. Purling	55
W. M. Thackery	71	W. M. Thackery	71
T. Shakespeare	83	T. Shakespeare	83
William Holland	86	William Holland	86

In this list I recommended Mr. Pattle for the vacancy. He was rejected. I recommended Mr. Purling to be chief, and quoted the late orders of the Court of Directors in his favor. My recommendations and the orders of the Court of Directors were equally slighted, and Mr. Rous, who was his senior by one degree, was placed in that station above him.

CALCUTTA.

*Mr. John Holme	36	Mr. Henry Cottrell	21
William Harwood	37	Charles Goring	35
*J. Eugt. Keighly	48	John Holme	36
*Edward Fenwick	49	G. G. Ducarel	55
*William Pye	57	John Shore	92

N. B.—Messrs. Cottrell and Stephenson were at this time Members of this Board, but having recommended them for other departments I did propose

Mr. Holme to be the chief, and Messrs. Keighly and Fenwick and Pye to fill up the other vacancies. I did not actually propose them, because I found my recommendations were totally disregarded.

The whole list as appointed was proposed by the General.

CHITTAGONG.

Chief. Henry Cottrell . . .	21	Nathl. Bateman . . .	20
Assist. George Bright . .	61	George Bright	61

My recommendation of Mr. Cottrell was rejected and a preference given to Mr. Bateman. I had proposed Mr. Bright for his assistant, because I had consulted the inclinations of Mr. Cottrell on this point. He remained therefore no longer of my recommendation. He was however appointed.

From all that has been said above, it will appear, that of all my recommendations only that of Mr. Young was accepted, and all the chiefs, except of Murshedabad, nominated against my recommendation. But in truth the majority came prepared with their own lists, and paid no regard or attention to my recommendation, nor were they more attentive to the orders of the Company; on the contrary, they seem wantonly to have overruled them, Mr. Droz at Patna, Mr. Bathoe at Burdwan, and Mr. Purling at Dacca are probably for ever excluded from succeeding to those chiefships by the appointments of Messrs. Sage, Stephenson, and Rous, who stand immediately above them on the list of the service.

55 to 57. The majority have mistaken my application of Mr. Frederick Stuart's family and connections when I proposed him to be appointed the Resident at the Court of the late Nabob Sujah Dowla. I alluded to the pride and ambition of the Vizier, which would give a greater degree of weight and consequence to these qualifications than to age or superior talents. As to myself I should not have allowed them consideration on any other account. My opinion both of Mr. Stuart and Mr. Bristow stands on record.

58 & 59. Require no reply.

60 to 63. The fifteen lacks received by Mr. Middleton being the first payment of the Rohillah stipulation is arrived and in the treasury of Calcutta. This renders it unnecessary to make any observations on these paragraphs.

64. The perusal of the letters now laid before the Board by Colonel Champion will, I doubt not, satisfy you of the propriety of my withholding them when first demanded by the majority, and of the truth of my assertion that they contained no material public information.

65 & 66. I have already fully explained my sentiments as to the propriety of the Rohilla War. It will appear by the proceedings, and by my letter to Colonel Champion on the subject, that the late Administration uniformly discouraged the hope of plunder.

The following extract of my letter to Colonel Champion will probably appear to many too strongly expressed on this side of the question :—

Extract of my letter to Colonel Champion, dated the 21st May 1774.

"Hitherto every part of your conduct has met with my most entire approbation; but there is one subject which in some measure alarms me. The very idea of prize money suggests to my remembrance the former disorders which arose in our army from this source, and had almost proved fatal to it.

"Of this circumstance you must be sufficiently apprized, and of the necessity of discouraging every expectation of this kind among the troops. It is to be avoided like poison. However, in case any considerable capture should attend your future operations, I think you cannot pursue a better conduct than that which you intended, to determine nothing yourself, but acquaint the Board with the circumstances and wait for their decision."

67. Requires no reply.

68. I suppose this paragraph contains accusations. You have been already informed of the resolutions of the late Government passed in Consultation of the 22nd November 1773 to present the Vizier with two thousand stands of arms. The two eighteen pounders were lent to him by my order and are mentioned in my letters to the Vizier, but not (I believe) in the Consultations.

Major Hannay may have been appointed agent to receive Nudjuf Cawn's pension, but this had not my confirmation, because it was not the intention of the late Council that any further payment should be made to Nudjuf Cawn till we had received your further orders. Not understanding in what respect these circumstances can be deemed criminal, I shall pass them without further remark.

69. Requires no answer.

70 & 71. The operations have been carried on in conformity to the orders of the late Administration, which naturally remain in force till contradicted. The mountains and woods which form a great part of the western division of Bengal are thinly inhabited by a rude and savage people, with whom it has been an immemorial practice to make incursions into the open and cultivated country which at times has suffered exceedingly by their depredations. It was an object of the late Administration to eradicate this evil by subduing these wild regions and subjecting the inhabitants to a regular form of government; for this purpose the corps of Light Infantry was originally formed and the Officers Commanding the sepoy stations in the adjacent districts of Ramgur, Putcheet and Midnapore were ordered to co-operate occasionally with this corps and with each other for the same purpose. Captain Carnac also received his orders originally from the Board as will be particularly seen in the formation of the Provincial Councils in Consultation of the 23rd November 1773. Captain Crawford too received his orders from the Board in Consultation of the 15th April 1774, and has since acted in conformity to those orders. The general rule which has been observed in these expeditions has been to compel the mountaineers to submit, or to drive them out of the country. For my own part I make no scruple to avow that I think it the duty of Government to proceed against such licentious banditti, by any means, which the laws of war will allow; and if the peace of the country can no otherwise be secured than by their *extirpation*, I look upon this, as a necessary measure which both justice and sound policy will justify. To those who are unacquainted with my natural character I cannot refer to a better testimony for the lenient and equitable principles on which all my orders for the execution of such services have been formed than the journal of Captain Brooke who first commanded the corps of Light Infantry entered in Consultation of the 6th September 1774.

72 to 75. These paragraphs merit attention, but require no reply.

Remarks on the second Minute of GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS, dated the 11th January 1775.

2 to 4. I have been told a different story concerning the protection said to have been given by Nujuf Cawn to Sumroo, Maddoc and Redman, but I chuse to let him make his own vindication, and have written to him some time ago for that purpose. I know not how his moral character can affect mine.

The reasons for continuing the payment of his allowance are explained in my report of my transactions at Benares, entered in Consultation of 4th October 1773, and the reasons for discharging that part of the King's tribute for which a tuncaw or assignment had been granted by the King to the Vizier, are explained in the Consultation of 13th May 1773, and in my report.

The principal reason was, that the assignment had been accepted by the late Government in the time of Mr. Cartier. It was a debt due to the Vizier, and paid to the Vizier, not to the King, to whom the portion of the tribute for which the assignment was granted had been paid when that assignment was granted.

The first part of the 4th paragraph I do not understand: the latter part indirectly charges me with having shared with the Vizier in the amount of this assignment. To this I shall not reply.

These measures have been long ago referred to the Court of Directors, and need no explanation here, as their determination upon them must have been formed before this.

The gentlemen in different parts of their writings seem to blame me for stopping the payment of the King's tribute. On the other hand, had I paid it, I suppose from the preceding paragraph, that I should have been charged with sharing in it.

It is an undoubted truth, that the state of the Company at the time in which these measures were adopted was distressed both at home and abroad.

It shall be incontestably shewn that "their present condition is prosperous and flourishing."

The means by which this sudden alteration has been effected have been repeatedly and fully shown. It may suffice here to say, that it has been principally occasioned by the acquisition of money from the Nabob Sujah Dowla, and the reductions made in the Company's expences in Bengal.

7. Requires no reply.

8. The increase levied on Cheyt Sing was on his succession to the zemindary immediately on his father's death. No farther increase was levied upon him on his confirmation in it during my interview with the Vizier at Benares.

9 to 11. No part of these paragraphs requires any comment, except the insinuations contained in the conclusion of the last. The first letter written to me by the Vizier, which notices the late change of Government, was received on the 20th December, in answer to mine which advised him of that change. It is certain that many letters were written by the King and others to General Clavering, Colonel Monson, and Mr. Francis. It is plain that these gentlemen are either offended at the Vizier for not having paid them the same compliment, or impute the neglect of it to me. Your orders are peremptory, that the correspondence between this Government and the country powers shall be carried on by the Governor alone. They have arrogated to themselves every other power of the Government, and this also they now too manifestly lay claim to in defiance of your most positive injunctions.

Remarks on the third Minute of GENERAL CLAVERING, COLONEL MONSON and MR. FRANCIS, dated 11th January 1775.

2. This paragraph seems to imply, that the late Administration had always flattered the Company with false hopes, and concealed from them the true situation of their affairs. A perusal of the general letters written in 1773 and 1774 would be sufficient to evince the contrary.

3. In this as in many other paragraphs there are very alarming intimations, but although the gentlemen of the majority see a *certainty* of instant distresses they do not particularize them for your information. When this is done I shall submit to you my sentiments upon them. In the meantime I hope this mysterious mode of writing will not be productive of any ill consequences at home. It certainly has such a tendency.

4 to 6. The actual state of our treasury, and the estimate which has been prepared of receipts and disbursements of the year 1775, will shew you that the Company's resources were much more than sufficient to discharge the date of 1771 as resolved by the late Council. With respect to the question whether it is more eligible to pay off the principal of the debt, or to content ourselves with reducing the interest from 8 per cent. to 5, my opinion is clear for the former, and this is more consistent with your orders. Our different sentiments will appear in the Consultations of the 26th and 30th January. I see no reason why the Company should be put to the expense of borrowing money even at 5 per cent. when they do not want it.

7. In this paragraph, if I understand it, I am accused of an endeavour to create a coldness and want of cordiality between the Superior Council and the Board of Trade, and that the majority, and the majority only, took extraordinary pains to prevent it. Every letter written to that Board, read with the minutes which preceded them, will demonstrate the reverse of this accusation.

8. No new hardship has been imposed upon the salt manufacturers by taking the management of that article into the hands of Government. The only difference is that the profit, which was before reaped by English gentlemen and by banyans, is now acquired for the Company.

The claims on account of balances have long ago been represented to you. They cannot be a charge for more than two or three years, after which the whole profit will be reaped by the Company, and in the *interim* they receive from the salt business a nett revenue of £1,20,000, which I believe is four times as much as they have ever before received except in the time of the scarcity of trade. The present mode of conducting it will be attended with this further advantage, that by destroying all private claims to the labor of the Molungees, it leaves the Government at full liberty, on the expiration of the present leases, to make whatever regulations they may judge most advisable. The majority have mistaken the nature of the salt balances due in the districts of Hidgely, &c. These were not occasioned by the appropriation of the salt works to the Company, but by contracts made by the Company before the year 1770 to furnish sundry merchants with salt to an amount exceeding the actual production, the advances received from the merchants produced a fictitious increase in the revenue of that period, and are a tax upon the present.

9 to 11. I refer to what I have already said on the 70th and 71st paragraphs of the first Minute.

The *ordinary expence* of the troops (I mean their pay and batta and all fixed allowances) would have been equally incurred, whether they were employed on the frontiers, or in the interior parts of the country, and so indeed would a great part of the extraordinary expence, because were our troops to retire, the mountaineers would advance as formerly.

12 & 13. The fifteen lacks paid to Mr. Nathaniel Middleton on account of the Rohilla war are actually in the treasury at Calcutta, and the five lacks which were to have been paid to Mr. Grady are on their way from Patna. Till an accurate examination can be made of the paymaster's accounts, I will not say that the subsidy of 2,10,000 per month is fully equal to the whole expence of the troops with the Vizier. It was formed on a calculation made by General Sir Robert Barker, and it should be remembered that there are some charges in the second brigade which are not on the Vizier's account, particularly the disbursements of the garrison of Chunargur, the hospital at Dinapore, the troop of cavalry, and the corps of cadets.

15 to 25. In the general statement which I transmitted of the balances of the treasuries, amounting to current R80,49,806, it is true the balances of the provincial treasuries are stated in September and those of the Calcutta treasuries are stated on the 30th of November, and consequently a part of the sums which have been remitted from the several districts to the Presidency was twice credited; but although this objection appears plausible it is not in reality of any weight, because the collections in the districts in the intermediate time compensate the remittances, and are as likely to be more as less. The reason for the provincial balances not being made up to a later date was that no later accounts had been received from the several districts, nor would the account have been exact if all the balances could have been stated on the same day, because in such case the remittances from the districts towards the latter end of the period would not have appeared at all. They would have been sent away from the districts, but would not have arrived at Calcutta.

The account (No. 2) transmitted you by the gentlemen of the majority as a *corrected* account is very fallacious. The remittances are deducted and the collections are not added, but even were I to admit this account, still if I include the whole of your treasuries, the balance will amount to current R88,27,120, instead of R80,49,806 as before stated, as will be explained by the accompanying account No. 1. The accepted bills are not brought to credit in the treasury as cash, but they should certainly be inserted in a general state-

ment. They are debited in the Provincial accounts, and should, therefore, be credited in the accounts of the Presidency.

I cannot comprehend the justice or the regularity of the account No. 1 which the gentlemen of the majority say "should be set against my balance if that cash account be meant to give the Company a true idea of the state of their affairs, and which would produce a real balance against them." In speaking of the prosperous state of the Company's affairs, I suppose the treaty of Benares is to be confirmed, and do not regard the balance on the King's account as a debt to be paid by the Company. Should it be determined to annul the Treaty of Benares, to continue the tribute to the King, and to pay him three years of arrears, I will then no longer assert that the Company's affairs are in a state of prosperity.

The balances in the account of the Nabob Mobarick o Dowlah may for the most part be justly due, and ought not to have been omitted, had I been drawing up a general statement of the sums to be paid by the Company and the sums to be received by them; but as those balances were due to nearly the same amount in October 1773 as in November 1774, they make no difference in my argument concerning the improved state of the Company's finances.

The three last articles in the account are the computed savings in the Company's civil and military expences, and the receipts from Sujah Dowlah. How these are introduced among the balances due from the Company I know not: they serve only to prove how earnestly the gentlemen of the late Administration exerted their endeavours for the Company's benefit, and how much such exertions were required.

26. Every month has its proportion of disbursements. There are other payments due and advances which must be made, besides the salaries of the Council and the Judges, but these ought not to be taken into the estimate which closed with the preceding month; at least, if the sums are anticipated which are to come in on the debtor side, the credits also should be included.

27. The agreements of the farmers having been very high the demands are stated accordingly and the balances in consequence appears very large. The actual collections have not fallen so short as would be imagined from the style of the majority's letters. I have subjoined a particular account of them.

My *everlasting Theme of the Famine* (as the gentlemen are pleased to call it) I must continue to insist on as an event, the effect of which must still be felt for many years, and which renders it impossible that the collections in general should be equal to what they were formerly. I speak of the Dewanny lands. As to the Company's ceded lands, the northern pergunnahs of Burdwan appear to have been the only part of them which suffered in the famine, and upon the whole their revenue at present is fully equal to the medium of former years and much superior to what they yielded on the first acquisition of them.

It is true that the lands were let in general too high, but the excess cannot prove a real loss to the Company, nor was it to be prevented.

The exact value of the lands was known only to the zemindars and old farmers, from whom it was not to be expected that they should part with their knowledge. To find out the real value the most probable method was to let them to the highest bidders; and the fairest and only means which would not admit of conclusions against the character of the gentlemen concerned in forming the new settlement was to dispose of the farms by public auction.

This proved however such a source of competition that the lands in general were overrated. Especially in Nuddea, where this happened, abatements have been allowed, that is to say, the excess which ought not to have been put upon the rents, if it could have been avoided has been taken off, and a competent knowledge has been obtained of the state and capacity of the lands throughout the provinces, which will be of great advantage in forming the next settlement when the term of the present shall have expired.

The following is an abstract of the nett revenue received from the Company's ceded lands, and from the Dewanny lands of Bengal and Behar extracted

from the khalsa records. This will show beyond all argument the state of your collections in the different periods since your acquisition of the Dewanny. So much has been already said upon this subject in my minute of appeal, and the letters from the late Administration to which I have then referred, that I will not trouble you with needless repetitions. The profits arising from the salt farms and the sale of opium are not included in this account, but, if added, would raise the revenue of 1,180 to above 245 lacks.

Abstract of the Net Revenue received from the Company's Ceded Lands and from the Dewanny Lands of Bengal and Behar as extracted from the Khalsa Records.

Years.	Ceded lands.	Dewanny lands of Bengal	Behar.	Total.
In the Bengal year 1171 or the Behar and Orissa year 1172 answering to the English year 1764-65	......	......	39 03,855	......
In 1172 or 1765-66 . . .	.. . .	... ..	48,88 061	......
1173 or 1766-67 . . .	......	1,45 90,815	54,76 813	......
1174 or 1767-68 . . .	. ..	1,55 94,706	54,90,143	...
1175 or 1768 69 . . .	56,64,795	1,58,73,453	50,60,817	2,65,99,065
1176 or 1769-70 . . .	48,91,546	1,43,41,168	41,12,133	2,33,44,847
1177 or 1770-71 . . .	54,55,834	1,40,06,030	46,22,695	2,40,81 559
1178 or 1771-72 . . .	58,18,021	1,50,23,260	46,70,788	2,55,12,069
1179 or 1772-73 . . .	57 75,093	1,21,83,631	43,19,632	2,22,78,356
1180 or 1773-74 . . .	55,18,040	1,31,18,351	41,10,021	2,30,76,415

I have been so much strained for time that I know not whether I ought not to bespeak your pardon for the incorrectness of this address. I have endeavoured to keep it within as small a compass as the design of it would admit. Many passages and entire paragraphs of the minutes of the majority I have passed without a reply, either because they contained nothing which required a reply, or because the language was too harsh, and the reflexions too personal to deserve one. These were the studied and deliberate production of the Closet, and from them you will judge of the temper which is to regulate your interests in this difficult and extensive Government, in the long interval which must elapse before your orders can apply the decisive remedy to the disorders inevitably resulting from it.

My situation is truly painful and mortifying, deprived of the powers with which I have been invested by a solemn Act of the Legislature, ratifying your choice of me to fill the first office in this Administration, denied the respect which is due to my station and character, denied even the rights of personal civility by men with whom I am compelled to associate in the daily course of official business, and condemned to bear my share in the responsibility of measures which I do not approve, I should long since have yielded up my place in this disgraceful scene, did not my ideas of my Duty to you and a confidence in your justice animate me to persevere; and if your Records must be dishonored and your Interests suspended by the continuance of such contests as have hitherto composed the Business of your present Council, it shall be my care to bear as small a part in them as possible, making the line of my duty, exempt from every personal consideration in this, as in every other concern incident to my station, the sole guide of conduct if I can.

I have the honor, &c.,

WARREN HASTINGS.

General Balance of Cash in the Treasuries in Bengal, the 30th November 1774.

Balance of the Provincial Treasuries as stated by General Clavering, Mr. Monson and Mr. Francis, in which the Provincial Treasuries are debited for the remittances made from them from September to the end of November, but not credited for the receipts . . Sicca rupees		21,57,233 7 9
Khalsa Treasury—		
Ready Money	12,85,847 4 1	
Ready Money receivable as per corrected list .	11,90,863 11 13	
Transfer Bills	6,34,008 8 0	
		31,10,719 7 14
Sicca Rupees		52,67,952 15 13
Batta 16 per cent. . . .		8,42,872 7 13
Current Rupees		61,10,825 7 6
Grand Treasury Balance		13,00,724 8 0
Factory Balance		14,29,295 6 10
Current Rupees		88,40,845 5 16

Fort William, 30th November 1774.

Errors Excepted.

To the Hon'ble Court of Directors, &c., &c., &c.

HON'BLE SIRS,—Although you will receive an estimate of the resources and disbursements for the present year with the despatches from the Public Department, yet as this account has been drawn out with great accuracy, and I believe with equal fidelity, by the two Accomptants, and is a stronger illustration both of the diligence exerted by the late Administration for the retrieval of your affairs, and of the efficacy of their measures than the most labored arguments, I beg leave to forward a copy of it with this address and recommend it to your particular attention. General Clavering has offered some objections to it, which with my reply I have also the honor to enclose.

The different modes proposed by General Clavering and myself have been very largely discussed in the Consultations, more perhaps than was necessary. I should have been better pleased that the Board had consented to pay off the principal debt of 1772, but I am contented with the reduction of the interest, because I see it leads to the same end. Both propositions amount to a proof that your finances in Bengal are not in the ruinous state which the gentlemen of the majority have laboured to prove, since the debt which has been accumulated for some years past is now in a course of liquidation.

In my last I promised that I would myself undertake the vindication of Mr. Graham against the aspersion of the Ranny of Burdwan. I have waited for her reply to his, and for the proofs which she was called upon to produce in support of her allegations. She has at length delivered her reply, but I believe I may venture to pronounce my judgment upon this composition, although it is before your notice, so far as to say that it contains no proofs of Mr. Graham's misconduct, and that it admits of one fact, which even in her labored relation of it is much to his honor.

As the Ranny has charged Mr. Graham with having been personally instrumental in depriving her of her authority which she held over the Rajah's household, and of the person of her son, and of having even treated and encouraged others to treat her with personal disrespect, I judged it necessary to call upon Mr. Charles Stuart, who was the Collector of Burdwan at the time to which this transaction applies, for his declaration of the circumstances of it. The despatches of both ships being closed when the Ranny's reply was received, and Mr. Stuart on the point of departing on one of

them, the copies of my letter to him and of his in reply will afford you the most satisfactory information upon this subject. I may not conceal from you, that information of Mr. Graham's interference on this occasion was given me at the time by the Ranny, and you may perceive by Mr. Stuart's letter, written to me on the occasion (which forms a part of the last-mentioned enclosure), that I was not disposed to suffer a circumstance of that nature to pass without enquiry. I was satisfied both from Mr. Stuart's report, and the explanation which Mr. Graham himself gave me of his conduct at Burdwan, exactly concurring with the former, that the Ranny's complaint was without foundation. The measures which took place at this time for the regulation of the Rajah's family were the issue of a tedious enquiry made in the Government of Mr. Cartier; and the resolution of the Board passed at that time was no more than confirmed and carried into execution in April or May 1772. The proceedings of that period will shew, that I was not on such terms of cordiality with Mr. Graham as to have yielded to his wishes in a point of much consequence, if I can be supposed capable of so unworthy a motive. In truth it was in consequence of the Ranny's own representations, and the disturbances which her intrigues had created in the districts, that I determined to put an effectual bar to her future hopes, by proposing that the resolution of the preceding Council should be carried into force; and I myself took care to have this effectually accomplished. The Ranny has had better success with the present Administration, but I trust that your commands will put a more decisive conclusion to this unbecoming competition.

FORT WILLIAM,
23rd February 1775.

I have the honor, &c.,
WARREN HASTINGS.

To PETER MICHELL, Esq.

SIR,—Having accidentally discovered an omission in my minute of appeal which accompanied my letter addressed to the Court of Directors, dated the 3rd December 1774, I request the favor of you to correct it in the original minute and in the duplicate and triplicate since forwarded, as the subject and sense are both incomplete without it. The passage to which I refer will be found in the 8th or 9th page from the end. The paragraph begins with these words—"To the public acts manifesting the temper of their proceedings I may quote another."

This imperfect sentence remains to be completed by the following addition:—

"*Proof* of a more personal nature in the minute of one of their number, Mr. Francis, who has even descended to brand my conduct with the epithets 'extravagant and mean' and other opprobrious terms."

I am, &c.,
WARREN HASTINGS.

General Clavering also delivers in the following copy of the address of himself, Colonel Monson, and Mr. Francis to the Court of Directors sent by the *Bute*, together with the papers therein mentioned to be enclosed:—

Minute from GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS.

General Clavering, Colonel Monson, and Mr. Francis—their minute to the Court of Directors per *Bute*.

The separate minutes which we have thought it necessary to draw up for the information of the Hon'ble Court of Directors, have never yet retarded or interfered with the prosecution and despatch of public business. The hours which might have been dedicated to ease and relaxation, have been employed in the severe and toilsome duty of explaining the nature of those measures, which we not only had the strongest reasons to condemn, but to which we were obliged to act in immediate opposition. This labour however is

too heavy to be continued; nor have we anything at present to add to the arguments with which we have endeavoured to support and defend our conduct.

2. If the Rohilla war should be approved of by our superiors, or if they should condemn us for withdrawing the brigade out of the Rohilla country, and bringing it nearer to our own frontier, we shall submit to authority; but we do not conceive it possible for us to alter our opinion. Without pursuing that or any other endless argument with the Governor-General, we now think it sufficient for the complete vindication of our conduct, to establish the credit of such of our assertions as the Governor-General has been pleased to dispute, by referring more particularly to the evidence on which they were founded, and which we presume will be deemed satisfactory.

3. We mean also to convince the Governor, that in some material instances he has concluded hastily on groundless suppositions. In short, since we have not had the good fortune to succeed in our attempts to satisfy him of the impropriety of his couduct and opinions, by the mode of argument which we have hitherto made use of, we shall endeavour to obviate all farther difficulties on this head, by appealing to authorities which he cannot dispute, or by setting some of his own declared opinions or positive assertions in a clear and direct opposition to each other.

4. The Governor makes frequent reference to that passage in our introductory minute of the 30th November 1774, in which we express our concern, "that the justification of our conduct must of necessity carry with it, and can only be supported by a strong and deliberate censure of the preceding Administration." We for ourselves do not see in what particular the supposed weakness or impropriety of this declaration can be understood to consist.

The adoption of a new system, in opposition to one already established, necessarily implies a censure of that from which we resolve to depart. To prove that the new system is good, it seems indispensably necessary to shew, that the one to which it is opposed was false or defective. The censure in that case must be strong and deliberate. The accidental insertion of the word *only* seems to lead to a presumption very injurious to our argument. We believe, that the rectitude of our conduct has been supported by a train of positive arguments sufficient to establish it, independant of that strong and deliberate censure which they necessarily fix on the measures of the late Administration. But we are not the judges in our own cause and willingly submit every part of the question between the Governor-General and ourselves to a higher authority.

5. Before we proceed to those observations, which we hope will establish a positive defence of any former opinion delivered by us with respect to the Rohilla war, let us clear the ground.

6. The Governor-General, without enquiring into facts, or without asking us an obvious question, which we should immediately have answered, takes it for granted, that the contents of the despatches sent to England by the *Mercury* pacquet had been communicated to us by the Court of Directors, and that we were thoroughly informed (as far as his report of 4th October 1773 could inform us) of the nature and extent of his negotiation with the Vizier at Benares.

On this gratuitous supposition he founds many a serious argument against the sincerity of our professed prejudices in his favor, and very justly concludes, that we could not be in earnest, in declaring, that we came into this country impressed with the highest idea of the wisdom and ability with which he had conducted the Company's affairs. We admit the conclusion to be just and regular, but we deny the premises.

The despatches by the *Mercury* were received but a few days before we left London, and were never communicated to us by the Court of Directors. The following extract of a letter we wrote to their Secretary, Mr. Mitchell, from Spithead, dated the 9th of April 1774, will, we hope, convince the Governor-General, that we had at that time no reason to alter the too partial opinion which we had formed of his character and conduct.

As we sailed in three days after, it was impossible for us to receive an answer to that letter—

"We think it very necessary to inform you, that among the several letters contained in the Company's pacquet directed to us, and intended for our particular use, we do not find copies of the last general letters, either from Fort William or Madras, or any extracts from them, except one letter from the Revenue Department at Fort William which relates solely to the bank.

"We are therefore entirely unacquainted with the actual state of the Company's affairs at Bengal, and upon the coast, where, nevertheless, as we understand from private intelligence, some very important events have lately taken place. Copies of the above letters were particularly desired by us, and we were informed that we should be favored with them. We now request that they may be forwarded immediately to the Company's agent at Portsmouth, who will either send them off to us, or return them to you, in case we should have sailed before he receives your pacquet."

7. Thus far, we presume, the Governor's implied charge of insincerity in our first declarations is completely answered. The Court of Directors are already sufficiently informed at what time, and from what causes, we found ourselves obliged to relinquish our earliest opinions in Mr. Hastings' favor, and to adopt others diametrically opposite to them. We now beg leave to go a little farther than we have yet done, in the explanation of our sentiments on this subject.

8. If it had been possible for us to have seen the despatches by the *Mercury*, or if the subsequent proceedings of the late Administration in regard to the Rohilla war could have been known to us before we left England, we are very much inclined to think, that it would not only have shaken our opinion of Mr. Hastings' character, but have deterred us from engaging with him in any shape in the Government of Bengal.

9. As for the Treaty of Benares, it is true we had heard that Korah and Illahabad were ceded to the Vizier, but we neither knew on what specific conditions, nor any of the circumstances that attended and might have justified such a measure.

The word *sale*, we apprehend, is the only one that can be properly applied to the terms agreed on with the Vizier for putting him into possession of the King's demesne. Of itself it implies nothing dishonorable to either party, unless we annex to it the idea of selling what is not our own without the owner's consent. In that case, the dishonor, if any, is exclusively fixed upon the representatives of the Company. The purchaser has no share in it.

10. Our remarks on some particular passages in the Governor General's last volume shall be as short and distinct as possible, lest they should swell into the same alarming size.

Many of his objections are already answered in our preceding minutes, which he had not an opportunity of seeing or considering when he wrote that of the 10th of January. We will not weary the Court of Directors with useless repetitions. If our unfavorable representation of the present state of Bengal has been exaggerated, the evidence of facts will soon come forward and convict us.

In the meantime we refer the Court of Directors to the answers given in by Messrs. Middleton, Dacres, and Vansittart to the queries proposed by Colonel Monson, concerning the internal state of this country. We presume it could not be the object of these gentlemen to condemn the measures of the late Administration, since they themselves made part of it.

Let their own representation of facts be considered.

Mr. Hastings—his minute of the 10th of January 1775.	REMARK.
Paragraph 10.—Brave and independent are epithets not very consistent with the discription given of the Rohillas in the 39th paragraph.	11. The discription referred to is, that they are *weak, divided, and defenceless*, and that they live in dread of a superior neighbour.

Their independence was established by their having treated for a course of years with the neighbouring powers, particularly with the Vizier, and even with the representatives of the Company, as an independent State; as such they have been hitherto acknowledged.

Brave and Independent.—The Rohillas are not a *nation*, but a tribe of free-booters, who conquered the country about sixty years ago, and have ever since lived upon the fruits of it, &c. The Rohillas are Mahomedans; the natives are Hindoos.

12. Admitting the facts, we say that the Rohillas were lords of the country by right of conquest and of long possession. We add that they governed it with lenity and moderation, as clearly appears by the flourishing condition in which our army found it. If a defect in their title, or difference of religion, be of itself a sufficient ground for invading such a State, we desire to know on what principles Mr. Hastings will defend the right of the British empire to the actual sovereignty of these provinces. As this question evidently leads to others, which may not only affect his duty as a servant of the Company, but his allegiance as a subject, we desire him to be very cautious what answer he makes to it.

Paragraph 11.—The majority, in mentioning the deficiency in my report on the Rohilla expedition, suppressed the particulars related by me, &c.

13. The particulars referred to are contained in a short paragraph of Mr. Hastings' report of the 4th of October 1773 (copy of which was annexed to our first minute, No. 1 of the 30th November 1774) and the report itself was already before the Court of Directors. We apprehend that any paper annexed to a dispatch makes part of that dispatch, otherwise every document must be inserted in the body of the letter.

Paragraph 13.—Let this minute be compared with the short mutilated extract, &c.

14. The same observation applies to the resolution of the late Select Committee of the 26th of November 1773, of which we enclosed a complete copy.

Paragraph 16.—I am sorry to see the names of Clavering and Monson subscribed to such unworthy insinuations, because I do not believe that even the heat of party contention can have so far warpped their minds from the consideration of that justice, which every man of honor will yield to the honor of others, as to make them *really believe* me capable of so base an artifice as they have imputed to me, without the slightest grounds to support it. I will not answer it.

15. It is with the utmost degree of astonishment we perceive, in the Governor-General's observations on our letter to the Court of Directors, intimations and suggestions injurious to our reputation and honor. We call upon him to manifest in what instance we have deviated from the sentiments therein delineated, and what shadow of right there is to suppose that the names of Clavering and Monson would be affixed to declarations inconsistent with their sentiments and opinions. Such insinuations may sometimes have the effect intended on the present occasion, but with men of honor will ever be treated with the disregard they deserve.

J. CLAVERING.
GEO. MONSON.

As I am not charged with having set my name to anything which I did not really believe, I shall make no other objection to this paragraph, but that it seems to have a tendency to divide me from those men whose public principles I adopt, whose public measures I avow, whose private characters I respect, and to whom I have the honor to be united, not only in the support of public measures, but by the strongest ties of personal regard and esteem.

I will not accept of a compliment from the Governor-General or any man that appears to be exclusive of General Clavering and Colonel Monson.

P. FRANCIS.

Paragraph 16.—I do not believe that even the heat of party contention, &c.

16. "We pretend not to look into the hearts of others, but we exercise the right allowed to all mankind of judging of intentions by facts."

[*Vide* Mr. Hastings' paragraph 18.]

Paragraph 18.—An appeal to the passions is an insult to the understanding.

17. We cannot assent to the truth of this assertion, if it be meant as a general proposition. In many cases we are convinced, that the appeals which deserve the most favorable attention of the understanding, are those which find access to the head through the medium of the heart. True policy, true wisdom does not indiscriminately reject such appeals; but supposing the proposition to be true to its utmost extent, we at least have a right to expect that it shall be impartially applied.

Mr. Hastings, in his address of the 3rd of December, which regularly should have contained nothing but a defence against a charge, takes care to remind the Court of Directors "of his former services, of his reliance on their justice, of the consciousness of his own integrity, of his willingness to devote the remainder of his life to their service, of his determination to submit without a murmur to their sentence; nor should the severity of it make him lose the sense of gratitute he feels and owes to the obligations already laid upon him, &c."

Is this an appeal to the justice of his judges, or is it an insult to their understanding.

18. The accounts we gave of the enormities practised by Shuja Dowla, during the conduct, and after the decision of the war, were founded on the authority of the Commanding Officer

of the British forces, on which we still implicitly rely.

At that time certainly we had not the least shadow of reason to distrust it.

The following private letter from Colonel Champion to Mr. Hastings, dated 10th of May 1774, will, we apprehend, completely vindicate the truth of this part of our representation. As it is now upon record we have an unquestionable right to appeal to it.

BISSOULEY, *the 10th May 1774.*

COPY.

"DEAR SIR,—I have the pleasure to send you a short address for the Board, requesting permission to repair to the Presidency; and I beg you will not fail to present it as soon as credible accounts shall arrive of any officers being on the way to Bengal to take the command of the army.

"Not only do I wish to get down as soon as possible to put my little affairs in the best order for my return to Europe; but I must be candid enough to unbosom myself to you freely, and confess that the nature of the service, and the terms on which I have been employed this campaign, have been inexpressibly disagreeable.

"The authority given to the Vizier over your army has totally absorbed that degree of consequence due to my station. My hands have been tied up from giving protection or asylum to the miserable. I have been obliged to give a deaf ear to the lamentable cries of the widow and fatherless, and to shut my eyes against a wanton display of violence and oppression, of inhumanity and cruelty.

"The Company's interest constrained me in public to stifle the working of my feelings, but I must give them vent in private.

"Though we had no active part in his base proceedings, yet it is well known that the success of our arms gave him the power of perpetrating these enormities; and I much fear that our being even silent spectators of such deeds will redound to the dishonor of our nation, and impress all Hindostan with the most unfavorable opinion of our Government.

"As matters now are, I know of no remedy that would so effectually re-establish our character for justice and clemency as your taking the family of Hafiz under the wings of your mercy and protection and influence the young Nabob to make provision for them in some degree suitable to their birth.

"It would affect your sensibility too much were I to descend to particulars; let it suffice that the Nabob Mahubbit Cawn, the eldest son, and the rest of the family of Hafiz who are under close confinement (the Begum and other women included) have been driven to the necessity of making private supplications for a little rice and water.

"I wish my friend to leave scenes which none but the merciless Shujah can bear without heart-bleeding pain. Relieve me therefore as soon as possible and oblige yours, &c.,

Dear Sir, &c.,

A. CHAMPION."

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19. The evidence contained in this letter is more, in our opinion, than suffi-

cient to justify everything we have said or suggested, relative to the conduct of the war under the arbitrary command of the late Vizier.

The records to which we now appeal carry the proofs of Shuja Dowla's inhuman treatment of his prisoners farther than the most prejudiced imagination could have conceived possible, or the most malignant spirit of calumny could have ventured to suggest.

20. The letter from Shuja Dowla sent home by the last ship, and which Colonel Champion has given the Board some reason to think was fabricated and advised by Colonel MacLean, has produced a reply from Colonel Champion, which we think deserves the highest attention, not only of the Court of Directors, but of Parliament and the nation. Such a detail of enormities has never yet, we believe, made part of the history of any nation We submit to the Court of Directors, whether it be not absolutely necessary for the vindication of the Company, for clearing the honor of the British name, and for fixing the oprobrium of these transactions upon the persons who alone shall appear to be guilty, that every letter and other document sent from hence relative to the Rohilla war should be immediately printed and published. For the present, however, we beg leave to support our first ideas of the personal baseness and brutality of the late Vizier by the enclosed copies of seven papers* annexed to Colonel Champion's reply. They come before us supported by every species of concurring evidence of which the subject is capable. If they should require any farther explanation, Colonel Champion will be in England, and may be called upon to give it.

21. Let us not be understood to mean that Mr. Hastings ought to be implicated in the personal charges fixed upon Shuja Dowla. In strict justice perhaps the author or promoter of an unjust measure may be deemed answerable for all the fatal consequences that attend it. We are willing to believe, that many of these consequences were not foreseen or intended by Mr. Hastings.

22. To prove an inconsistency between Colonel Champion's present sentiments and his own practice above ten years ago, Mr. Hastings produces an extract of a letter from Colonel Champion

Paragraph 18.—In the year 1764 a detachment of our troops was employed to burn and ravage Shuja Dowla's country. It fell to the lot of Major Champion to execute their

* Nos. 62-68.—Documents annexed to Colonel Champion's narrative

commission, and how well he discharged it, and how little his feelings were at that time affected.

to the late Mr. Vansittart, dated 20th June 1764. We leave it to our superiors to determine upon the validity of this evidence, with respect to the conclusion proposed to be drawn from it, and upon the fairness and equity of introducing it at this period.

What we say for ourselves is, that the Governor manifestly contradicts himself in the very paragraph in which he charges Colonel Champion with inconsistency.

Speaking of the Vizier's sending out detachments to plunder, he says—"this I pronounce to be both barbarous and impolitic;" yet, when he mentions the same scene of barbarities and wanton enormities supposed to have been exercised by Major Champion in the year 1764, he says—"I do not mean to reproach him with having done the duty assigned him." Our question is, could it be Colonel Champion's *duty* to do what was both barbarous and impolitic, and if it was, by whom was it assigned him?

Paragraph 20.—The Governor disputes the truth of the reports of brutal outrages offered to the wives and daughters of the Rohillas, though of the highest rank.

23. We continue to believe the truth of the charge upon the best evidence the nature of it will admit of—

1st.—Public notoriety and opinion.

2nd.—The reports made to Colonel Champion, on which the Colonel candidly observes "that he had no grounds sufficient to prove the accusation."

3rd.—The personal character of the Vizier; and lastly the indisputed evidence of Colonel Leslie, that he had repeatedly entered the women's apartments which no Mussulman would do without a base and brutal intention, nor could do without leaving shame and dishonor behind him.

As for the rest, it appears by Colonel Leslie's evidence that he had even decended to rob the women of their trinkets. But as on this general head we have already referred to evidence of a more direct and comprehensive nature, it only remains for us to observe that, supposing the Vizier to have conducted the war upon the most moderate and honorable principles, or supposing his quarrel with the Rohillas to have been ever so well founded, it would have been no motive or justification of our engaging in it with him.

Paragraph 19.—The Governor quotes a letter from Colonel Champion of the 12th June 1774.

24. As every word of this quotation tends to confirm in the strongest manner our representation of the Vizier's inhu-

man treatment of his prisoners, we desire that it may be particularly considered.

Colonel Champion says "that the inhumanity and dishonor, with which the late proprietors of the country and their families had been treated was known all over those parts, that their letters to him would convey but a faint idea of the treatment those unhappy people had met with, that he could not help compassionating such unparalleled misery.

"That the requests to the Vizier to shew lenity were frequent but fruitless; and though professedly taken in good part by the Vizier yet only served to procure them more rigorous treatment."

On the representations contained in this letter we content ourselves with remarking that, exclusive of the probability of their being true, and of the gross improbability of their being invented by Colonel Champion, we have a right to appeal to his authority, as a competent witness of the facts he vouches for, until his credit shall be completely invalidated by some satisfactory and positive proof of his having deliberately intended to traduce the Vizier, and deceive his superiors, and that he adopted this dishonorable design so long ago as May last.

Paragraph 21.—I never asserted that my chief reason for withholding the correspondence was that they related to a difference between the Vizier and Colonel Champion.

25. We well recollect that this was one of the reasons assigned by the Governor, though it might not have been the chief one. It now appears that such a difference did exist, and that it arose from circumstances which he might naturally wish should continue to be concealed from us. As the truth of our assertion however turns upon personal testimony, we shall not insist upon it.

Paragraph 26.—It is a misrepresentation to say that the Vizier dared to tell the Presidency "that he is the *master* of the Company's army," he says "but I am the master in these affairs, and the power of retaining or dismissing the English army is mine."

26. We do not pretend to understand the Persian idiom. The words we quoted are plain English. That Shuja Dowla considered himself, as in effect, the master of the Company's army, appears plainly from the style he assumed in his discourses with Colonel Champion; for which we beg leave to refer to the Colonel's narrative and to the documents annexed to it.

27. The facts relative to the negotiation at Benares, as far as they appear, are laid before the Court of Directors. It is for them to judge and conclude from the facts to the motives. We say that Mr. Hastings conferred constantly with the Vizier, without the presence of a third person, though the Commander-in-Chief and two of the Council were upon the

spot. We say that the treaty contained nothing but a defensive alliance; but that in two months it appeared that Mr. Hastings had entered into offensive engagements with the Vizier. These are the transactions which we at first called dark and mysterious. We are now ready to retract those epithets, and to declare our opinion that they are not so dark and mysterious as we thought them.

Paragraph 26.—I look in vain for the justification of their conduct in recalling the brigade at *the crisis of the war.*

[*Vide Mr. Hastings' minute of 30th November 1774.*]

28. The orders for recalling the brigade were not dispatched till the 4th of November. The treaty with the last of the Rohilla Chiefs was concluded on the 6th October (the war was finally concluded by the treaty with Fyzulla Cawn), but the fate of the war had been decided many months before.

On other occasions we are charged with a wanton or malignant censure of a measure already passed and determined, in the sole view of throwing a useless reflection on the last Administration.

Paragraph 41.—I do reckon the probable acquisition of wealth among my reasons for taking up arms against my neighbours.

29. The charge being thus deliberately admitted, and the doctrine thus triumphantly avowed, we should go beyond the limits of our office, if we took upon us to pronounce any sentence or farther opinion upon it.

Paragraph 44.—The rupees of the currency of Oude have a fixed standard.

30. If they have it must be known. We have called upon the proper officers of the mint to inform us what is the standard and intrinsic value of the Sicca rupees of the currency of Oude; for this is the coin in which by the treaty of Benares the payments were to be made. By their report (No. 8), contained in the annexed paper, it appears that the Governor is mistaken in asserting that the above rupees have a fixed standard. Mr. Paxton, the Assay-Master, says—"that on examining the assay book for several years back, he does not find that any rupee under the description of Oude Siccas have been brought to the mint;" that "the Viziery rupees seem to have no fixed standard but are found to vary in respect to fineness from 8·511 to 37·022 per cent. worse than Calcutta Siccas.

Mr. Lloyd, the Mint-Master, says—"that the Sicca rupees of the province of Oude have no fixed standard, all varying from each other in their intrinsic value."

Mr. Touchit, the late Assay-Master, says—"that there is such a variety of Viziery rupees that no kind of standard can be ascertained. Those last received from Shuja Dowla turned out in the mint in net money from 18 to 40 per cent.

below the Calcutta Siccas; and that the Benares rupee produces upon a medium 7 per cent. less than the Calcutta Sicca." If, however, it should be found that the sums received from Shuja Dowla are equal upon the whole, or superior in value to the same number of current rupees (which, notwithstanding the first payments were made in a better specie, we very much doubt) still it does not follow, that the Company will have received the full value of what they were entitled to by the treaty.

Paragraph 44.—I believe that upon examination of the Paymaster's accounts that the rupees received from the Vizier on account of the monthly subsidy have yielded 111 current rupees per cent.

31. Supposing 100 rupees of Oude to be worth 111 current rupees, it follows that twenty one lack of those rupees should be worth 23,31,000 current.

The account we give of their produce in Siccas was received from the Mint-Master, *viz.*, 18,29,184, or current rupees 21,21,853-7.

If current rupees were meant by the treaty the Vizier has then paid 21,853-7 current rupees too much. If Sunnats, a coin equal in value to them, were meant by the Treaty, he has then paid 2,09,146-9 current rupees too little.

If Siccas were meant the deficiency on this payment of 21 lacks (which will, we believe, be found to be the best he has ever made) will then increase to 3,14,146-9 current rupees.

32. It is not at present necessary to go farther into this part of the subject of our respective minutes.

When once it is determined in what specific coin the payments from the Vizier are to be completed, and when the several payments made on that account are appreciated at the mint, we presume there can be but one opinion at the Board, *viz.*, that the deficiency, whatever it is, shall be made good by the State of Oude and justice done the Company.

We shall only add, that as far as our present information goes, the monthly subsidy to the brigade has not been paid up beyond September last.

Paragraph 45.—I am informed, that the disbursement of the troops, which marched to the service of the Vizier, during the three first months amounted at a medium to current rupees 2,37,773 per month.

33. It is well known that the Paymaster of the second brigade has not adjusted his accounts, nor sent up any distribution for several months to the Paymaster-General here.

Till this be done, and till all the extraordinary expenses attending the above service are liquidated, no certain judgment can possibly be formed, whether the Company are upon the whole losers, or

gainers by the subsidy stipulated for the foreign service of their troops.

Paragraph 45.—The troops of cavalry was not expressly raised for this service.

34. For whatever purpose it was raised it still served in the field at the Company's expence, since no provision was made for it in the estimate of the monthly subsidy.

Paragraph 45.—I am astonished to find the charge of recruiting added, &c.

35. We meant the recruiting of the European battalion, not of the sepoys.

Paragraph 52.—The chasm in my correspondence with Colonel Champion will now be supplied, &c.

36. The chasm taken notice of by us was in the correspondence of Mr. Middleton, not of Colonel Champion.

Paragraph 60.—This and the concluding sentence of the last paragraph have much the air of insinuation thrown out to the disadvantage of the *civil* branch of the service.

37. The civil servants of the Company, who, in our opinion, have involved the Company in offensive wars, are the few who sat in Council. The planning and execution of such measures must be confined to those persons only who were honored with the confidence of the Company, and vested with their authority.

Paragraph 42.—I say that the Vizier's possessions, by these acquisitions, make a complete State shut in effectually from foreign invasions.

38. If the Governor's object was to give the Vizier the whole country of the Rohillas as far as the mountains, why did he propose that Nudjif Cawn, or the King, should have a share of the conquest?

Paragraph 66.—I am supported by the opinions delivered by Colonel Champion, Colonel Leslie, and Major Hannay.

39. We very earnestly desire that the Court of Directors may think it advisable to publish the examination of these officers referred to by the Governor.

Paragraph 69.—The cession of Korah and Illahabad is stiled by the majority a *sale*, a *purchase*, and the subsidy is branded with the appellations of pecuniary terms and hiring out the troops, &c.

40. We have already proved that these measures were unknown to us when we left England. We still adhere to the terms in which we have described them. The King's demesne was sold for a specific sum, and our troops, by the very plan of the agreement, acted as mercenaries in Shuja Dowla's service.

We refer to Colonel Champion's narrative for the manner in which the British Commander-in-Chief, and the troops who acted under him, were treated by the Prince from whom they received their stipend.

Paragraph 69.—To remove this heavy load it was proposed to raise the subsidy, &c.

41. Waving at present our objections to the subsidy not being equal to the actual expence, we insist upon another, which we have already taken notice of. The circulation created by the presence of a brigade, with that of the numerous followers who attend it, gives life to industry wherever the brigade is stationed, furnishes a multitude of persons of means of subsistence, and of course is beneficial to the revenue. It is in the nature of things that the removal of a brigade out of the Company's territories

must in every instance produce the opposite effect. It has already been pleaded by the farmers as a reason for their inability to pay their rent.

Paragraph 69.—I retract and disavow the words, *by keeping them in the continued practice of war.*

42. We desire that no advantage may be taken of a hasty inconsiderate expression, especially after so solemn a retractation. Without regarding words, or wishing to bind the Governor to the strict meaning of the terms he makes use of, we affirm, that whether the principle be avowed or not the practice corresponds with it; and that the whole tendency of Mr. Hastings' agreement, in defence of this part of his conduct, is to prove, that it is highly useful to the Company *to keep their troops in the continued practice of war.*

Paragraph 70.—The plan for letting the lands has not miscarried, and is still in our opinion the best that could be adopted."

43. We do not know whose opinion Mr. Hastings means by the word *our* to unite with his own.

We do not doubt, however, of proving in good time that it is a mistaken opinion, by facts, which he cannot deny, and by authorities which, we presume, he will not dispute.

44. To obtain the most circumstantial information of the condition of the provinces, the following queries in writing were put by the Board to the gentlemen who lately held the superintendency of them :—

1st.—In what state are the provinces as to agriculture, population, commerce, and manufactures ?

2nd.—The cause of the defalcation in the revenue with their ideas to remedy the evil.

3rd.—The general statement of the balances of the collections of their divisions to April 1774, with an observation, what part of them may be received and what measures have been used to recover those of the preceding year.

4th.—Whether, from their knowledge of the condition of the country, they conceive that the payments will increase in the proportion fixed in the bundabust settled by the Committee of Circuit in 1772.

45. With concern we perceive that the gentlemen, in their several replies to these queries, have not given us the smallest expectation that the net receipts into the treasury will increase in the progressive proportion of the bundabust.

46. The motives which induced the Committee to make this extraordinary

statement of the territorial revenue, are best known to themselves; no cause has yet been assigned for the defalcation in the revenue which did not precede that transaction. This settlement by the most candid may be deemed an error in judgment; by others less candid it will be attributed to a different cause.

47. The famine is held out as an evil that still operates to the diminution of trade, revenue, and agriculture. It may have an influence, undoubtedly it has, but this calamity was antecedent to the leasing the lands, and should not now be admitted as a plea for their falling short of their estimated value in 1773.

48. If the Dewannee lands of Bengal from 1772 to 1773 were worth 1,76,81,118 Sicca rupees, and only yielded into the treasury 1,15,60,539 rupees, the remainder, exclusive of the expense of the collections, should not be placed to the misfortune of the famine.

49. This deficiency must be found in collateral causes, or in a defect in the system, a system which tends to alienate the affections of the people and to destroy all confidence in Government.

50. The zemindar or proprietor of the land is deprived by it of his influence, and of the management of his zemindarree, and becomes a pensioner. The amount of these pensioners is an accumulated burden on Government of more than 12 lacks of rupees per annum.

51. The izadars or farmers, who occupy the place of zemindars, are in general persons taken from the dreggs of the people, the Banians of Calcutta or people protected by them who take the farms at any rate, depending on the influence of their masters to screen them from the just demands of Government, provided their farms should not prove an advantageous bargain.

52. These people to make good their engagements extort the last anna from the ryott, and when they cannot get more, and their master's influence is in the wane, they fly, leaving a depopulated and impoverished country behind.

To a system which produces these effects, the cause of the balance in arrear may be truly imputed.

53. Large deductions and remissions have been made in the bundabust of Dinagepore, Burdwan, Midnapore, and

we are apprehensive more may still be necessary in other districts.

54. Our utmost attention shall be given to this branch of the Company's affairs, and no inflated jumma shall be established, to raise expectation or to gain merit in their opinion.

Our endeavours shall be employed to fill their treasury with specie, not their records with speculative representations of an increasing revenue.

Paragraph 71.—"The employing our troops with the Vizier does not suppose the *destruction of nations*, but on the contrary the preservation of them."

55. A direct insult to the understanding is in one sense an appeal to the passions. We will not trust ourselves with making any observations upon the Governor's proposition, lest we should inadvertently depart from that respectful and guarded moderation which we owe to the superior power, by which the present argument is to be decided.

Paragraph 73.—"If the internal resources of a State fail it, or are not equal to its occasional wants, whence can it obtain immediate relief but from external means."

56. The true resources of such a State as Bengal are agriculture, manufactures, and commerce. If these are neglected and suffered to decline, an external supply of money, obtained by force of arms, from nations unable to resist us, will scarce furnish even a momentary relief. It must go still faster than it comes. The other effects of the measures, by which such supplies are obtained, are not of so transitory a nature.

Paragraph 73—"There is not a single word in their address which, in my understanding, defends or even aims to defend their measures."

57. Without implicating ourselves in the operations of the Governor's understanding, we beg leave to quote a few words from the 61st paragraph of the address to which he refers—"The whole argument for and against the recall of the brigade from the Rohilla country, is so fully stated in the minutes of the several members upon the questions proposed in Council by General Clavering on the 28th of last month, that to enter into it here would only be loading you with superfluous repetition." The minutes above mentioned were annexed to the address.

58. The conclusion of the Governor's minute makes it necessary for us to inform the Court of Directors that in the Debates betwen us he takes every possible opportunity of manifesting his zeal in behalf of the late Administration.

Let the question in debate be what it may, yet, if the opinion of any one of us unfortunately happens to differ from his own, he scarce even fails to reproach us with intending to attack the late Administration.

This weapon, when argument fails, is sharp enough, in his understanding, to cut through every difficulty.

We shall now once for all make him acquainted with our plain and unaffected sense of the matter.

59. Some time before the late Act of Parliament was in agitation, it was generally understood in England that Mr. Hastings found himself thwarted and embarrassed in his anxious endeavours to serve the Company by a factious opposition in his Council. Yet before our arrival here he had certainly found means to persuade the most violent of his opponents of the rectitude of his measures.

They were open to conviction and changed their conduct.

It does not follow, however, that their second set of opinions was better founded than the first. The fact is, we found them heartily united as mutual auxiliaries in a common cause.

60. Setting aside the respect and consideration due individuals, we adhere to the sense of the legislature expressed in the act of our appointment, that the government of these provinces could no longer be safely trusted to the late Administration, taken collectively, and that a change of hands was become indispensably necessary.

We do not understand that we were sent into this country to pay compliments to an Administration, which we presume would not have been dispossessed of their power, if their use of it had been approved.

61. Supported in our opinion of the late misgovernment of this country by so high an authority as that of Parliament, and confirmed in it by our own immediate observation and experience, we do not hesitate to declare to Mr. Hastings that he cannot offer us a stronger presumptive proof of the weakness, impropriety, or depravity of any political principle or public measure whatsoever than by telling us, it was adopted by the late Administration.

J. CLAVERING.

GEO. MONSON.

P. FRANCIS.

Fort William, 25th February 1775.

Minute from General Clavering, Colonel Monson, and Mr. Francis.

The death of the Vizier opens a new scene of politicks in Indostan, which we rather wish than expect may not extend beyond the intrigues of negotiation. Our own ideas lead us to unite, and settle, if it were possible, the various views and interests of the several contending powers in this country, upon a solid and permanent establishment, taking the acknowledgment of the constitutional authority of the Emperor (in faith as well as profession) for the basis of our future policy. We condemn the political measures of the late Administration, as not only defective on the score of justice and expediency, but as involving this Government in an endless train of difficulties and contradictions for want of the necessary foundation of some uniform and simple principle of policy. It appears to us that the late President and Council in their transactions with the country powers have adhered to no one system whatsoever.

They in fact acknowledge the sovereignty of Shaw Allum by coining money in his name, and by collecting and appropriating the revenues of these provinces under his grant; yet they withhold his tribute, and sell his country to the Vizier; who, either as Vizier or Soubah of Oude, is no more than a great officer of the Empire, and removable at the Emperor's pleasure.

Our opinions with respect to the succession to Shuja Dowlah are fully stated in the Secret Consultation of the 13th instant. The Court of Directors should understand, that we were earnestly pressed by Mr. Hastings to declare that the Company were bound by the Treaty of Illahabad to *support* any one of the late Vizier's sons on the Musnud, in whose favour he might have made a declaration, even in *articulo mortis*, and to assert the Company's right to interfere in settling the succession. As the Emperor's right to his tribute and to his demesne are founded on, or secured by the said treaty, we did not expect to see any stipulation contained in it, referred to as authority by Mr. Hastings.

We differ from him, however, in the sense of that article by which he conceives that we are bound to *support* the Vizier's heir and successor, at all events, in the Government. The treaty expresses simply an acknowledgment, not a guarantee. We have adhered to our principles in acknowledging the eldest legitimate son, who, we understand, has quietly possessed himself of the succession. How far we may think fit to engage in his support, or to use our influence to obtain from the Emperor a regular confirmation of him, in the Soubadarry of Oude, will depend on the event of a future negotiation. We have adhered to our principles in cautiously avoiding every step which might tend to involve us in the business of making Nabobs, which we do not pretend, or desire to understand.

The Government of Bombay have pleaded the Company's instructions for taking possession of Salset and Caranja by force of arms. We are far from agreeing with them in the interpretation they give to their instructions from home, admitting the acquisition of Salset and Caranja to be a desirable object to the Company. We think it ought to have been obtained by treaty and negociation, or (supposing the Government of Bombay to be actually involved in a war with the Marrattas) by directing their military operations to that acquisition, and by making it their object in the conclusion of the peace. As for the idea of their engaging in offensive treaties with either party of the Marrattas, or any other Indian power, and hiring out the Company's troops to support any cause or quarrel for the sake of acquiring territorial possessions, it is a system of policy we never can approve of, conceiving it to be no less contradictory to the intentions of the legislature than to the commercial views and interests of the Company. It appears to us that the Presidency of Bombay might still desist from pursuing the engagements they have entered into with Raganaut Row, provided they were inclined to be guided in the line of their conduct by the advice of this Council. Upon the whole, we are of opinion, that the Government of Bombay have acted a most unwarrantable part, and that having taken the steps in question without any authority from this Presidency

they must answer for it to the Court of Directors. In this sense, and to this effect," we propose that our answer to their last letter shall be conceived. If, by an amicable treaty and composition with the Marrattas, the possession of Salset and Caranja can be confirmed to the Company, we wish to contribute our utmost endeavours to that effect, but on no other footing. In short we are determined, as far as it may depend upon our influence and opinion, to carry back the Company's future political system to those original pacific principles, which in former times made the British name respected and revered through all Indostan.

By departing from those principles, the Company's servants have indeed acquired an extensive dominion founded upon force, but they have sacrificed that consideration and respect in the eyes of the Indian powers which might have constituted a solid security to any reasonable acquisition of territory, and have obviated the probability of any foreign power whatsoever from being tempted or provoked to disturb us *in the possession of it.*

J. CLAVERING.
GEORGE MONSON.
P. FRANCIS.

Secret Dept., Fort William, 11th March 1775.

Saturday. AT A COUNCIL, PRESENT:

The HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

The HON'BLE GEORGE MONSON.

PHILIP FRANCIS, Esq.

MR. BARWELL, *indisposed.*

Read and approved the Consultation of the 8th instant.

Mr. Francis begs leave to inform the Board that he this morning received a visit from Rajah Nundoomar, in which the Raja delivered to him a letter addressed to the Governor and Council and demanded of him, as a duty belonging to his office as a Councillor of this State, to lay it before the Board. Mr. Francis, conceiving that he could not, consistently with his duty, refuse such a letter at the instance of a person of the Raja's rank, did accordingly receive it, and now lays it before the Board, declaring at the same time that he is unacquainted with the contents of it. Mr. Francis further begs leave to observe that he received this letter publickly in the presence of a considerable number of persons, and that the Raja's verbal request was interpreted to him by these different persons.

P. FRANCIS.

Mr. Francis brings a letter from Nundcomar accusing the Governor.

Opened and read the letter from Maharajah Nundcomar, delivered in by Mr. Francis, which is as follows:—

To the HON'BLE WARREN HASTINGS, President and Governor, &c., Superior Council of Fort William.

HON'BLE SIR AND SIRS,—At the time that Meer Mahomed Causim Caun, having massacred and made prisoners many of the English, had acquired a superiority, and the Nabob Meer Mahomed Jaffier Cawn, thinking himself unprepared, refused to enter into a war with Meer Causim, in compliance with the English gentlemen's desire I endeavoured by every method to persuade Nabob Jaffier Cawn to this step. I engaged myself to provide the supplies of money, to levy the troops, to assemble the zemindars, and in short to perform

every requisite part. Having by this at length prevailed upon the Nabob to join the English and engage in the war, Meer Mahomed was driven out of the province, and an advantage gained over Shujah Dowlah, who had espoused his cause. At this juncture I obtained from His Majesty the King Shaw Allam the Soubahs (of Bengal, &c.) for the Nabob Jaffier Ally Cawn. During the Nabob's lifetime I faithfully transmitted to the King the amount agreed upon for his royal revenues; I honestly paid the Company, the English army, and the Marrattas the sums severally stipulated to them, and the Nabob the sums requisite for the support of his own troops, and the dignity and expences of the Nizamut; and I provided the supplies of grain which at that time was attended with great difficulty. After Jaffier Ally's death and the succession of Nabob Nudjum Dowlah to the Nizamut, a party of the English gentlemen deprived me of the office I possessed, in the business of which I was well versed, and for views of private advantage raised Mahomed Reza Cawn to the post. For the space of seven years Mahomed Reza managed the affairs of the Soubah of Bengal—what the measures were which he pursued in the administration of the country, the balances which he fraudulently wrote off, his violence and oppressions upon his own master and upon the ryots, and his trade in grain by all which his master's house and the whole country were desolated, are well known to all. Whenever a just inquiry shall be made such will be found to have been his conduct. I have now been ten years out of employment. Mahomed Reza Cawn ardently wished, during the whole time of his ministry, to discover some fault of mine in the settling the business of the country, or some fraud or delay in the method of transacting it. As nothing of the kind had been committed by me, he was able to produce nothing. Whoever occupies a great post, as well as faithful adherents, undoubtedly meets with discontented and turbulent men. The utmost search which Mahomed Reza Cawn could make could not produce a single man, who would lay his complaint against me. When Mr. Hastings arrived from Madras, and entered upon the Government, he promised me his friendship, and engaged me to assist him in regulating and adjusting the business of the country. The part I acted upon this occasion will hereafter appear in the course of this narrative. When General Clavering and Colonel Monson and Mr. Francis arrived from England, appointed Councillors for the Government of this country, the President, Mr. Hastings, introduced many of the natives who had employment in the country to those gentlemen, and likewise gave permission to many others to pay their respects to them. At the expiration of a week after their arrival I begged of the Governor that he would introduce me. The Governor answered he was well assured I had a friend, who was his enemy, that acted as messenger from me to those gentlemen. "You have contracted" said he "a friendship with my enemy—procure an interview by his means," and he concluded with this menace "I shall pursue what is for my own advantage; but in that your hurt is included. Look to it." I replyed with begging that he would not give credit to the slanders of Mr. Graham against me, who was my enemy. The affairs remained for some time in this state.

Afterwards the Governor sent Mr. Elliott with me to introduce me to General Clavering, Colonel Monson, and Mr. Francis. I continued after this to pay my respects from time to time as usual to the Governor, and sometimes to the other three gentlemen. On Tuesday, the 29th of Poos, I waited upon the Governor and found Mr. Graham and the Governor in conversation together. When Mr. Graham had taken his leave, the Governor called me to him and said—"I am certain, that you are acting the part of an enemy towards me. I shall hereafter be your enemy here, and shall not cease to be such even in Europe. You must not come near me from this day. Go and do me the utmost evil in your power."

I begged of him coolly and impartially to consider the justice of this declaration, and told him that till he had I should take care not to visit him. I left him upon this, conceiving that what he had said proceeded from a gust of passion, and that he would not seriously determine upon effecting my ruin. Since this, Juggut Chund, whom I have educated from a child and patronised, who even now enjoys the office of Naib to my son Rajah Goordass, with the most abandoned undutifulness, has been seeking to injure myself and Raja

Goordass. He is now come to Calcutta without order of Council and contrary to Rajah Goordass' desire, and he has never yet even been to visit me. This person is admitted to hold Council with the Governor, and Mohun Pershaud, whose villainy and lying intrigues are known to both the English gentlemen and the natives throughout this city, who is my inveterate enemy, and whom the Governor formerly turned out of his house, and forbid him to appear there again, is now recalled into his presence, is presented with pân by him, and assured of his protection.

Mohun Pershaud is admitted by the Governor to private conferences both in town and at his gardens, and likewise frequently comes to Juggut Chund's house and holds consultations with him. What title from rank or fidelity have these to such intimate connexion with the Governor? What other title have they than their enemity and malevolence to me? I have no power in this country. Mr. Hastings is the superir of all. The goodness of God is the only defence I have against the declared hatred of such an enemy. I esteem my honour dearer than my life, and I am not insensible of the injury my character may suffer from the discoveries I am about to make, but greater disgrace attends my silence, and I am left without a choice. I shall therefore request your attention to the following account of some few parts of the Governor Mr. Hastings' conduct in the course of his government.

When Mr. Hastings arrived in Bengal from Madras, and entered upon the administration of affairs, he told me that he was well assured of the embezzlements and malpractices of Mahomed Reza Cawn and Rajah Shitabroy, and desired that I would assist him in the intention he had of removing them from their employments, and prepare a statement of their respective accounts; he further added that he would cause me to be appointed by Council Aumin over the whole country, and that Mahomed Reza and Shitabroy should appear before and render to me the accounts of their provinces. "I will delegate to you," said he, "my whole power and influence." Depending upon this declaration I readily lent the assistance in my power, and Mr. Hastings, having summoned Mahomed Reza and Shitabroy to Calcutta, directed me to draw out an account of their embezzlements, which I accordingly did and gave to him.

Exclusive of embezzlements from the jewels, and on account of elephants, horses, sheep, and from the private treasury, the accounts of the embezzlements of Mahomed Reza Cawn in the Nizamut, from the commencement of the Bengal year 1172 to the conclusion of the Bengal year 1178, and in the province of Dacca, from the Bengal year 1170 to 1177, are, both together, stated at 2,02,26,958 rupees and upwards. Besides this the sum of 13,00,000 balance of accounts, due by his agreement with the Company, for districts under his direction, within the years 1172 and 1178, he has prudently written off as outstanding and has himself embezzled The sum total of this account delivered by me to Mr. Hastings amounted to 3,05,26,957, and upwards I likewise brought to him persons who were preferring their complaints against Mahomed Reza Cawn on account of injuries committed by him in the purchase and sale of grain. Mahomed Reza upon this sent a messenger to me proposing a present of 10 lacs of rupees to Mr. Hastings, and 2 lacs to me, and that these enquiries should be stopt. I acquainted Mr. Hastings with this proposal. He made answer that he could not suspend an enquiry for the amount of crores of rupees for such a sum, and that it was proper the Government's money should be recovered, and added that he should not release him from confinement till the points in question were decided upon. He said no more to me, but after a few days he took the guards off Mahomed Reza Cawn, set him at liberty, entirely dropt the enquiry into his embezzlements and malpractice, and did not do justice to the complaints against Mahomad Reza, who had proved in Council their charge in the affairs of the sale and purchase of grain, to whom he adjudged no damages. Why this extraordinary favour was so suddenly shewn, the Governor can best assign the reasons.

Reza ul Deen Mahomed Cawn and Mahomed Ally Cawn, on account of the offices of Fojedars of Hoogly and Silut and Amul of Nudia, were accountable to the Company for lacs of rupees, yet upon their decease Mahomed Reza seized the whole of their estates, and delivered no part to the Company. In

the Bengal year 1181, Mahomed Reza threw Amanut Sing, his own Mutsuddee, into close confinement at Calcutta, and extorted large sums from him. Gopaul Sing was the Amul of his jaghire, and received from him annually a general release under his own seal, and which he has now in his possession; notwithstanding this Mahomed Reza has thrown him into prison, and demands money from him to a great amount, he suffers great severities from Mahomed Reza in his confinement, but nobody listens to his complaints. The Governor Mr Hastings formerly said to me, that as the jaghire of Mahomed Reza was merely annexed to the post of Naib of the Nizamut, it should be taken from him. This is now the third year since he has been deprived of that post, but the jaghire, which is a very large income, has not been remanded. Why the Company should be deprived of so considerable a sum as the amount of this is, from the time of Mahomed Reza's dismission from the Nabut, it remains with the Governor to explain.

I delivered to Mr. Hastings an account of the embezzlements of Shitabroy from the commencement of the year 1173 to the conclusion of the year 1181 of the Fussel era, stated at the sum of more than 90 lacks of rupees. When the news of this reached Maharaja Dee Rudge Narain at Moorshedabad, he sent a vakeel with letters to the Governor and Mr. Read and myself, containing his proposals that from the 90 lacks demanded from Shitabroy a deduction should be made of 30 lacks for deaths and irrecoverable balances, and he would himself discharge the remaining 60 on condition that he should be put into Shitabroy's post, and that in future, having rendered the country more flourishing, he would give to Government a still greater revenue.

When Raja Shitabroy heard of this proposal, he told me and likewise sent me word, that he was ready to give 4 lacks to the Governor Mr. Hastings, and 1 to me, and 50,000 rupees to Mr. Read, if the present demand for his accounts were put a stop to. I acquainted the Governor with what Shitabroy said; he answered that it was proper the money of the State should be recovered without any views of this kind. In conclusion Mr. Hastings, without recovering the Company's money, and without informing me of his intention, reinstated Rajah Shitabroy, and returned him to Moorshedabad with high honours. The motives of these proceedings, and why Maharajah Dee Rudge Narain's proposals, apparently so much for the Company's advantage, were rejected will best be understood from Mr Hastings himself.

The sum of 25,000 rupees is the stated annual salary of the Mutsuddee of the Khalsa Sherif to be paid in ready money and by jaghire. Why Raja Raje Bullub enjoys a salary of 5,000 rupees per month, exclusive of district of Dewan Gunge, the produce of which is very considerable, and how the Company's interest was in this consulted remains with Mr. Hastings to explain.

At the time Mr. Hastings was going to Benares he desired me to give him an account in writing of any lands, which though properly belonging to the Soubah of Behar might have come under the dominion of Bulwant Sing, that they might be recovered from his son Rajah Cheyt Sing. The pergunnahs of Kera Mungrour and Birjay Ghur were exactly in this situation, having been usurped by Bulwant Sing from the Soubah of Behar. I accordingly delivered to Mr. Hastings the accounts of them, from the entrance of the Company upon the Dewanny to the year 1179 of the Fussel era, stated at 24 lacks. Mr. Hastings said—"give a copy of this to Roy Radha Churn, that if Cheyt Sing is backward in acknowledging this claim, Radha Churn may answer and confute him." Why Mr. Hastings, when he arrived at Benares, and had called Rajah Chyet Sing before him, left these countries still in the Rajah's usurpations, it remains with Mr. Hastings himself to explain.

The Governor Mr. Hastings has given the Pergunnah Balfarbunda and others in the zemindary of the Ranee Bowanney to Cantoo, his own banyan. The Ranee has committed no fault, and Cantoo has no right by inheritance, or any other title, to these pergunnahs. The reasons of this gift it remains with the Governor to explain.

His Majesty Shaw Allum was graciously pleased to intend me an honorary present of a jahaldar palankeen, accompanied with other ensigns of state,

according to the custom of this country. When this present reached Rajah Shitabroy at Patna in its way to me, Nabob Meer Mahomed Jaffier Ally Cawn was dead, and, being out of all employ, I had retired to Calcutta. Raja Shitabroy, from the fear of offending Mahomed Reza Cawn, detained the royal present at Patna. Mr. Hastings gave directions to Shitabroy's vakeels Khojah Assum and Meyelio Roy, requiring that it should be sent down, which it accordingly was, to Mr. Hastings, with whom it has remained ever since. I humbly request that the Governor's reasons may be required, and if the royal present shall be found to be my right it may be delivered to me.

Thus far I have written in general terms. I shall now beg leave to offer a more particular and circumstantial statement of facts.

An account of Presents received by the Governor, MR. HASTINGS, *on account of transactions of a public nature.*

	Gold-mohurs.	Akbari Rupees.
Given by me to Mr. Hastings at Calcutta for procuring Rajah Goordass' appointment to the Niabut, and causing Munny Begum to be made the superior of the family, by means of Jagganaut and Baulkishen Cansumahs of the Governor, Mr. Hastings, together with Cytun Naut, Nur Sing, and Sedanund, 3 bags gold mohurs, *viz.*— (Bengali year 1179, Assen 12th.)		
1 bag containing goldmohurs	1,471	
1 do. do.	1,471	
1 do. do.	900	
And adailes 1,140 = goldmohurs	570	
Total .	4,412	75,004 0 0
Given by me to Mr. Hastings at Calcutta by means of Jagganaut and Baulkishen Cansumahs of Mr. Hastings, together with Sedanund and Nur Sing aforesaid, one bag, *viz.*— (Bengali year 1179, Assen 15th.)		
1 bag containing	1,291	
And adailies 359 = ...	179	
Total .	1,470	24,998 8 8
Sent to Mr. Hastings for batta on the aforementioned sums which having been paid as Arcot Mr. Hastings required they should be made up Sunatts; by means of Jagganaut and Baulkishen aforesaid, *viz.*— (Bengali year 1179, Assen 19th.)		
1 Bag containing goldmohurs 182¼ @ 17 A. Rs. per mohur .	...	3,102 8 0
Sent to Mr. Hastings at Calcutta by means of Jagganaut and Baulkishen aforesaid, together with Sheevaram, one bag containing (Bengali year 1179, Assen 29th.)		
Arcot rupees	...	1,000 0 0
Given to Mr. Hastings at Moorshedabad by Munny Begum upon the occasion of constituting her the superior of the family and taking away the superiority from Bubboo Begum, mother of the Nabob Mobauruk ul Dowlah, who before enjoyed that rank (Bhadur.)		
Rupees Sonatt	1,00,000	

The Governor Mr. Hastings, in the month Assar 1179, went from Calcutta to Moorshedabad. He remained about three months at Cossimbazar and sometimes went into the Nabob's palace. After

An account of Presents received by Mr. Hastings—concluded.

	Gold-mohurs	Akbaree Rupees.		
Mr. Hastings returned from Moorshedabad to Calcutta Munny Begum said to Rajah Goordass—"Write word to Maharajah Nundcomar that it is proper and requisite to give 1,50,000 rupees to the Governor and beg of Maharajah to ask the Governor whether it shall be sent in ready money or by a bill of exchange." I accordingly asked Mr. Hastings who answered—"I have connections of trade in that part of the country; let this money be paid to Nurr Sing, Cantoo's brother, who is at Cossimbazar." In consequence of which I wrote to Rajah Goordass and Munny Begum that they should deliver the money to Nurr Sing, Cantoo's brother. Munny Begum, with Rajah Goordass' knowledge, in the month of Aughun 1179 paid this money to the Governor Mr. Hastings by the means of Nurr Sing aforesaid from under the care of Chytun Dhurr, cash-keeper to the Behailah. Sonatt Rupees	1,50,000			
		2,50,000	0	0
		3,54,105	0	0

I am,
Hon'ble Sir and Sirs,
Your most obedient and
most devoted humble servant,

CALCUTTA,
The 8th March 1775.

(*The signature of Rajah Nundcomar in Persian.*)

Ordered that the Persian original which was enclosed in the above be translated.

The Governor-General observes, as Mr. Francis has been pleased to inform the Board that he was unacquainted with the contents of the letter sent into the Board by Nundcomar, that he thinks himself justified in carrying his curiosity further than he should have permitted himself, without such a previous intimation, and therefore begs leave to ask Mr. Francis whether he was before this acquainted with Nundcomar's intention of bringing such charges against him before the Board.

MR. FRANCIS.—As a Member of this Council, I do not deem myself obliged to answer any question of mere curiosity. I am willing however to inform the Governor-General that I was totally unacquainted with the contents of the paper I have now delivered into the Board till I heard it read. I did apprehend in general that it contained some charge against him. It was this apprehension that made me so particularly cautious in the manner of receiving the Rajah's letter. I was not acquainted with Rajah Nundcomar's intention of bringing in such charges as are mentioned in the letter.

Secret Dept., Monday. Fort William, 13th March 1775.

AT A COUNCIL, PRESENT:

The HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

The HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 11th instant.

Mr. Francis's Minute. Mr. Francis lays before the Board the following Minute.

The Governor-General, in a letter dated the 28th February, and addressed to Peter Mitchell, Esq., Secretary to the Hon'ble Court of Directors, has

requested that gentleman to make an addition to a passage in one of the Governor's former minutes (recorded so long ago as the 3rd of December last) which he observes would be imperfect without it, *viz.*—"Another proof of a more personal nature in the minute of one of their number, Mr. Francis, who has even descended to brand my conduct with the epithets 'extravagant and mean and other opprobious terms.'"

I call upon the Governor-General to point out in what minute of mine the epithets, *extravagant and mean*, are applied to his conduct, aud to specify the other opprobrious terms with which he supposes me to have branded it. If any terms deserving that description, or so applied by me, can be produced, I am content, for my own part, that the Governor shall make the alterations he proposes in the records here.

Whether a similar alteration will be admitted in the original minutes sent home will depend on the pleasure of the Court of Directors, to whom I think the Governor-General should regularly have addressed himself. Their Secretary, as I apprehend, can have no right to make an alteration, much less so material an addition to the original minute of any Member of this Board.

P. FRANCIS.

The Secretary informs the Board that he has received the following note from Maharaja Nundcomar with a letter addressed to them :—

To MR. SECRETARY STEWART

Raja Nundcomar.

SIR,—I beg the favour of you to deliver the accompanying letter directed to the Governor and the Superior Council and open it in their presence.

I am, &c.,

CALCUTTA, }
The 13th March 1775. }

(*The Signature of Rajah Nundcomar.*)

Opened the letter sent in with the above which is read and found to be as follows :—

To the HON'BLE WARREN HASTINGS, President and Governor, &c., Superior Council of Fort William.

Raja Nundcomar desires to attend the Board

HON'BLE SIR AND SIRS,—I had the honor to lay before you in a letter of the 11th instant an abstracted but true account of the conduct of the Honorable Governor in the course of his Administration. What is there written I mean not in the least to alter; far from it I have the strongest written vouchers to produce in support of what I have advanced, and I wish and entreat for my honor's sake that you will suffer me to appear before you to establish the fact by an additional incontestable evidence.

I have never had any other object in view but the prosperity of the Company, and when I informed the former Governors at the time of their enjoying that dignity of the business and state of this country, I always told them that by an immoderate attention to private emolument the Company and the country would greatly suffer; that the welfare of the country and the increase of the revenues were the primary objects which they should continually keep in view. Mr. Hastings, till he had informed himself from me of the affairs of this country, remained exceedingly well pleased with me. When he had acquired this knowledge from me he no longer consulted me, instead of my patron became my enemy, and acted as such; unattentive to the welfare of the country and the enrichment of the State, he made his own private emolument the rule of his conduct. You, Hon'ble Sir and Sirs, will take into consideration this and my-

former address, and will act in whatever manner you may judge most conducive to the interest and prosperity of the State and country.

I remain, &c.,

CALCUTTA,
13th March 1775.

(*The signature of Rajah Nundcomar.*)

Colonel Monson begs leave to make the following motion :—

Q. If he shall be called before the Board.

I propose that Raja Nundcomar be called before the Board to bring the proofs of the charge against the Governor in his letter of the 8th instant.

The Governor General enters the following minute :—

The Governor objects

Before the question is put, I declare, that I will not suffer Nundcomar to appear before the Board as my accuser. I know what belongs to the dignity and character of the first Member of this Administration. I will not sit at this Board in the character of a criminal, nor do I acknowledge the Members of this Board to be my judges. I am reduced on this occasion to make the declaration, that I look upon General Clavering, Colonel Monson, and Mr. Francis as my accusers. I cannot prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this place, and on the first formation of the Council, they thought proper to take immediate and decisive measures in contradiction and for the repeal of those which were formed by me in conjunction with the last Administration. I appealed to the Court of Directors from their acts. Many subsequent letters have been transmitted both by them and by me to the Court of Directors; by me in protestations against their conduct, by them in justification of it. Quitting this ground, they since appear to me to have chosen other modes of attack, apparently calculated to divert my attention, and to withdraw that of the public, from the subject of our first differences which regarded only the measures that were necessary for the good of the service, to attacks directly and personally levelled at me for matters which tend to draw a personal and popular odium upon me, and fit instruments they have found for their purpose—Mr Joseph Fowke, Maharaja Nundcomar, Roopnarain Chowdery, and the Ranny of Burdwan.

It appears incontestibly upon the records, that the charges preferred by the Ranny against me, proceeded from the office of Mr. Fowke. All the papers transmitted by her came in their original form, written in the English language, some with Persian papers, of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused. I am justified in declaring my firm belief, that no such originals exist.

With respect to Nundcomar's accusations, they were delivered by the hands of Mr. Francis, who has declared that he was called upon by Rajah Nundcomar as a duty belonging to his office as a Councillor of this State, to lay the packet which contained them before the Board. That he conceived that he could not consistent with his duty refuse such a letter at the instance of a person of the Rajah's rank, and did accordingly receive it, and laid it before the Board, declaring at the same time that he was unacquainted with the contents of it. I believe that the Court of Directors, and those to whom these proceedings shall be made known, will think differently of this action of Mr. Francis. That Nundcomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis, and that it was not a duty belonging to the office of a Councillor of this State to make himself the carrier of a letter, which would have been much more properly committed to the hands of a peon, or hercarrah, or delivered by the writer of it to the Secretary himself. Mr.

Francis has acknowledged, that he apprehended, in general, that it contained some charge against me. If the charge was false it was a libel; it might have been false for anything that Mr Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance, therefore, he incurred the hazard of presenting a libel to the Board. This was not a duty belonging to his office as a Councillor of this State. I must further inform the Board that I have been long since acquainted with Nundcomar's intention of making this attack upon me. Happily Nundcomar, among whose talents for intrigue that of secrecy, is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations against me, which I was told was carried by Nundcomar to Colonel Monson, and that he himself was employed for some hours in private with Colonel Monson, explaining the nature of those charges. I mention only what I was told, but as the rest of the report which was made to me corresponds exactly with what has happened since, I hope I shall stand acquitted to my superiors and to the world in having given so much credit to it as to bring the circumstance upon record. I cannot recollect the precise time in which this is said to have happened, but I believe it was either before or at the time of the dispatch of the *Bute* and *Pacific*; the charge has since undergone some alteration, but of the copy of the paper which was delivered to me, containing the original charge I caused a translation to be made. When suspecting the renewal of the subject in this day's consultation I brought with me, and I desire that it may be recorded, that when our superiors or the world, if the world is to be made the judge of my conduct, shall be possessed of these materials they may, by comparing the supposed originals, and amended list of accusations preferred against me by Nundcomar, judge how far I am justified in the credit which I give to the reports abovementioned. I do not mean to infer from what I have said that it makes any alteration in the nature of the charges were they delivered immediately from my ostensive accusers, or whether they came to the Board through the channel of patronage, but it is sufficient to authorise the conviction which I feel in my own mind, that these gentlemen are parties in the accusations of which they assert the right of being the judges. From the first commencement of this Administration every means have been tried both to deprive me of the legal authority with which I have been trusted, and to proclaim the annihilation of it to the world, but no instance has yet appeared of this in so extraordinary a degree as in the question now before the Board. The chief of this Administration, your superior, gentlemen, appointed by the legislature itself, shall I sit at this Board to be arraigned in the presence of a wretch whom you all know to be one of the basest of mankind. I believe I need not mention his name, but it is Nundcomar? Shall I sit to hear men collected from the dregs of the people give evidence at his dictating against my character and conduct? I will not. You may, if you please, form yourselves into a committee for the investigation of these matters, in any manner which you may think proper, but I will repeat that I will not meet Nundcomar at the Board, nor suffer Nundcomar to be examined at the Board; nor have you a right to it, nor can it answer any other purpose than that of vilifying and insulting me to insist upon it.

I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature, in an unpremeditated minute drawn from me at the Board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness which the subject requires. I have said nothing but what I believe and am morally certain I shall stand justified for in the eyes of my superiors and the eyes of the world, but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary.

Ordered that the paper delivered by the Governor be entered after this Consultation.

COLONEL MONSON.—I beg that the Governor-General will inform the Board from whom he had his information respecting the visit Nundcomar made to me to explain the paper of charges which he proposed to exhibit against the Governor.

THE GOVERNOR-GENERAL.—I do not think the question a proper one. Colonel Monson will be pleased to recollect that he is one of a decided body of this State in which all the powers of it are inherent. I will not mark any individual as an object for his resentment, and I apprehend that upon a very slight recollection he will see the impropriety of requiring from me so unbecoming a sacrifice; but as a further proof, in addition to what I have already urged, that I had reason sufficient to credit the report, I will beg Mr. Barwell to inform the Board whether he was not apprized of the same circumstances at the same period of time that I have mentioned myself.

Mr. Barwell informs the Board that he was apprized of it, and received a copy of the same paper that the Governor has laid before the Board.

COLONEL MONSON.—As the Governor-General has not thought proper to acquaint the Board from whom he received the information with regard to my conversation with Nundcomar, I shall take no further notice of it as I presume an assertion, even from the Governor-General himself, will have no more weight or influence in the opinion of the world than from a private Member of this Board. I do hereby declare that the Governor and Mr. Barwell likewise have been totally misinformed, for I never heard nor saw any paper in Persian or any other country language which contained to the best of my knowledge any accusation against the Governor-General.

The question proposed by Colonel Monson being put as before stated.

Mr. Francis agreed to it.

MR. BARWELL.—I see no occasion for Raja Nundcomar's presence, and I do not think the Board can with any propriety place the Governor on the footing of a criminal arraigned at their tribunal and Nundcomar on that of his accuser, The Rajah, if he has any serious intention of proving the matter as he has set forth, and not of distracting still further the harmony of this Council, already too much divided, may have recourse to a very eligible and efficacious mode of establishing his allegations. The Supreme Court of Judicature, which is now sitting, will hear anything that he has to say in behalf of the Company; will examine his evidence and determine upon the representations he may make. I do not think this Board competent in judging of matters of this nature, and I think it a very happy circumstance that the legislature has appointed a jurisdiction for the cognizance of all complaints that affect the subject or the Government; it ties up the hands of power from gratifying any partial aims, and leaves the discussion of facts, which might otherwise be tinged with the passions of men interested, free and open.* I am therefore against the motion, at the same time that I am for enjoining the Secretary to inform Nundcomar, that it is expected he shall support, whatever he may think proper to set forth to this Board, by evidence produced before any one of the Judges, and that unless he does this, the Board will reject any complaints which he may prefer as an injurious libel upon the Governor.

COLONEL MONSON.—I think the Rajah should be called in to show to the Board the nature of the evidence he has to produce as the proof of his charge against the Governor-General. If those proofs should be thought sufficient this cause may hereafter be tried in the Supreme Court. I more particularly wish that the Board may receive Nundcomar, as it will give the Governor-General an opportunity of confuting the charges brought against him.

GENERAL CLAVERING.—I think it both for the honor of the Governor-General and for the dignity of this Board, which is wounded by a criminal accusation exhibited against the first member of it, that Rajah Nundcomar should appear before the Board to lay before us the proofs he has of the allegations which he has exhibited against the Governor-General. Were we to refuse him the Governor might justly reproach us with having defeated the only means by which his honor could be rescued from so reproachful an accusation. He might then say, as he has done in his minute just delivered to us, that we have refused him the proof that he might obtain of his innocency. In respect to the origi-

nal papers referred to in the Ranny of Burdwan's petition which he demanded, those papers as I understand were at the door and the Ranny's Vackeel ready to deliver them. If the proofs which Nundcomar has offered to produce are judged groundless, or if the papers which the Ranny of Burdwan's Vackeel still offers to produce are not authentic vouchers of Bridjoo Kissore's account, I shall then be the first to propose the question to this Board that the accusations brought against the Governor-General are malicious and false. For these reasons I desire that Nundcomar be brought.

The Governor-General.—I have delivered my opinion. I do not understand the question to be whether Nundcomar shall be called before the Board, but whether I shall be confronted with him, since the same effect may be produced as I have declared before, by a committee of the Board, without my presence—

Resolved that Nundcomar be called before the Board and the Secretary is ordered to summon him accordingly.

Resolved to call Raja Nundcomar before the Board.

Colonel Monson gives in the following minute:—

The Governor-General's minute, on my motion to introduce Nundcomar, contains little more than general invective in answer to a positive charge. It tends to prove me his collateral accuser, from an information given him by a person who he refuses to make known, but supposing I had seen the paper alluded to it does not invalidate the fact contained in it.

I made the motion, conceiving it was for the honor and dignity of Government, that we should proceed as far as we were justified by law to attain as much information as might be thought necessary to pass a censure upon Nundcomar, if any circumstances should appear which might incline us to believe that Nundcomar has been guilty of a slander, and that this could be done in no way so well as in the Governor's presence.

The Governor-General.—I declare the Council now dissolved, and I do protest against any acts of it as a Council during my absence as illegal and unwarranted.

Mr. Francis.—I beg leave to ask the Governor-General whether he means to quit the chair.

The Governor-General.—I shall not answer your question, because I do not think it sufficiently defined. I quit the Council.

Mr. Barwell.—I think the Governor said he dissolved the Council; it is now 5 o'clock in the evening. The Governor, as I understand him, did not say "I quit the Council" but that "I leave it." I esteem the Council as dissolved, and unless I receive a summons agreeable to the usual form, from the Governor-General, whose office still exists and is not vacated, I do not propose to partake in the debates.

Mr. Barwell withdraws from the Board.

Colonel Monson.—I think the Governor-General has no right to dissolve this Council; an adjournment can only take place by a majority of the Board. The lateness of the hour should not be mentioned as an excuse for postponing of business of importance now before us, in which the honor and reputation of our President is at stake. I therefore propose that General Clavering should preside as President until Mr. Hastings shall again think proper to return to the Board.

Mr. Francis.—I think it indispensably necessary in itself, and conformable to the true meaning of that clause of the Act of Parliament which provides that, in the absence of the Governor-General, the eldest Councillor present should have the casting voice which is allowed on other occasions to the Governor. This provision plainly shows that the Council may subsist independant of the presence or absence of the Governor-General, and that their acts in his absence are legal.

General Clavering.—I could not agree to this motion were I not convinced that the Board could not be dissolved but by a resolution of the majority. And

the majority of the Board having protested against his relinquishing the chair at a time when it was most incumbent upon him to have sat in it, to have faced his accuser and to have vindicated his honour, in compliance therefore with the resolution of the Board I take the chair.

Nundcomar having been required to attend appears and is called in accordingly.

Colonel Monson moves that Nundcomar be desired to deliver to the Board what he has to say in support of his charge against the Governor-General. Sir John D'Oyly, Acting Persian Interpreter, being sent for and not yet arrived, Mr. Auriol, Assistant Secretary, is desired to interpret the questions to the Rajah and his answers to the Board. He therefore accordingly put the above question to the Rajah in the Indostan language and he replies.

A. I am not a man officiously to make complaints, but when I perceived my character, which is as dear to me as life, hurt by the Governor's receiving into his presence Juggut Chund and Mohun Pershaud, who are persons of low repute, and denying me admittance, I thought it incumbent upon me to write what I have. Everything is contained in the letter which I have given in, besides which I have papers which, if the Board orders me, I will deliver up.

Being called upon for these papers he delivers the translation of a letter from Munny Begum to him, dated the 3rd Jemadee a Sauuey, in the 14th year of the reign.

Translation of a letter from Munny Begum to Rajah Nundcomar dated the 3rd of Jemmadee a Sauney the 14th year of the present reign.

By the grace of God and the favor of the Governor everything is brought to just the conclusion I wished. When I found my own affairs in this happy and desirable situation I judged myself bound in gratitude to make some return for the great favor conferred in raising my rank and the dignity of the Nizamut. After considering what would be a proper offer, I sent a proposal of one lack of rupees begging it might be accepted as an acknowledgment on my part. The Governor answered—" I have not done what I have from motives of private advantage, but for the satisfaction of my employers." When I pressed the present exceedingly upon him he at last said " Very well, if you do think proper to make a present give two lacks of rupees as Maharajah (meaning you), engaged, otherwise do as you please, you are your own mistress." I guessed my friend that this two lacks was a part of the three lacks about which I wrote to you in a letter I despatched with Kaim Beg, and of which I sent you word by Juggut Chund. At any rate, however, I conceived that if I said anything about it, all that your kindness had done for me would be entirely destroyed and lose its effect. I therefore sent word to the Governor " that at the time of disturbances raised by a treacherous and ungrateful enemy, I wrote word to Maharajah that whatever was judged requisite and expedient for my advancement and the foiling of my enemies I begged he would do. That Maharajah wrote me an answer but did not mention any precise sum. That when Juggut Chund arrived with Maharajah's and his letters I had not the opportunity of a meeting with him and therefore was ignorant of this promise of two lacks of rupees. That I thought it most probable that in conformity to what I formerly wrote Maharajah he had engaged for this sum, and that I considered myself as bound to discharge what Maharajah had engaged for. " I therefore begged that he would accept one lack of rupees here, and told him that I would draw upon you for the other lack which you would deliver to him at Calcutta." I was so fortunate to meet with the Governor's concurrence in this proposal. Your interest and mine are the same, and we are partners of each other's prosperity and adversity. Presuming upon this, I request that you will lend me upon honour the sum of one lack of rupees, which you will be kind enough to pay to the Governor when he returns to Calcutta. I am raising one lack of rupees which I shall here present to the Governor, and shall repay the sum with which I depend upon your supplying me in a few days by the means of Rajah Goordass. I earnestly intreat that you will not upon this occasion entertain any doubt of me. You may depend upon my faithful performance of what

I have engaged, which indeed my own interest strongly prompts me to. Moreover I acknowledge myself bound for what sums you may have given or engaged to give to the gentlemen of Council for the advancement of my interest. Write me a particular account of them, that I may raise the sum required and send it. For the future let us take care in the conduct of our affairs to consult and plan beforehand that, when we are called upon no difference may appear in our representations and answers, and that I may conform to whatever you may say. In short, as words express the meaning of the writer and are intimately connected with it, the same strict conformity and intimacy should subsist between us, that our secrets may not be known. What I have here written should be kept in the most profound secrecy, should only pass from my breast to yours. Let nothing of the secret part of these transactions be known to the Governor or the gentlemen of Council or any others; the proverb is, "a word to the wise." Make me happy with frequent accounts of your health.

A true translation with respect to the substance though the phrases are varied, expect that in one part wherein the translation of 3 lacks of rupees is mentioned in the original it is 3½ lacks of rupees.

(Sd.) J. H. D'OYLY,
Acting Persian Translator.

Q.—Have you the original of this paper?

A.—I have.

He produces a paper which he says is the original of the above translation.

Mr. Auriol, the Assistant Secretary, being asked to look at the characters on the seal and inform the Board what they are, he informs them the characters are Persian and express the name of Munny Begum.

Sir John D'Oyly, the Acting Persian Translator, being now arrived is called in and shown the seal. He also declares it to be Munny Begum's.

Mr. Auriol continuing to act as interpreter, and Sir John D'Oyly is desired to compare the translation of the letter delivered in by Nundcomar with the original from Munny Begum, and reports it to be a just one.

Q.—Have you any other proofs to produce?

A.—I have no more papers.

Q.—Has any application been made to you by the Governor-General, or any other person on the part of the Governor-General, to obtain from you the original letter which you have produced?

A.—The Begum applied to me for it through Cantoo Baboo, the Governor's Banyan. I gave it into Cantoo Baboo's hands who read it, and on being refused the original, he desired that he might take a copy of it to send to the Begum. I told him he might copy it in my presence, but it being then late in the evening he said he would defer copying it till another day.

Q.—Did he renew his application for a copy?

A.—He did not renew his application.

Q.—When was it Cantoo Baboo asked you for this letter?

A.—About four months ago, some time in the month of August, November, December.

Q.—Did Cantoo Baboo make you any offers of money or any other advantages to induce you to part with the letter?

A.—No, none.

Q.—It appears by your letter that you had given by means of Jaggernaut and Baulkishen, Cansumahs to the Governor, together with Chytun Naut, Nur Sing, and Sedanund different sums of money. Had you any person with you who can bear witness to it, or have you any proofs of this fact?

A.—It may be known from Jaggernaut and Baulkishen themselves, and Chytun Naut, Nur Sing, and Sedanund, who were employed on my part, can also bear witness to it. Nur Sing is now at Moorshedabad. The other two are in Calcutta.

Q.—Who are the three last.

A.—Chytun Naut was my servant and is now a shroff. Nur Sing was my servant, but is no longer so, and is now at Moorshedabad, and Sedanund is a shroff in Calcutta.

Q.—Were you yourself present when they paid the money to the Cansumahs.

A.—They paid it in my presence in goldmohurs.

Q.—Was there a receipt given for the money?

A.—No.

Q.—Is it the custom of the country to take receipts for money paid in that manner?

A.—In business or in lending money it is usual to take receipts, but not in transactions of this nature.

Q.—Who is Sewaram?

A.—He is a barber and lives at Chandernagore.

Q.—Was he in your service at the time he was employed in giving the money mentioned in your letter?

A.—He was my barber at that time but is no longer so.

Q.—Are you sure that the Governor's two Cansumahs received the money on account of the Governor.

A.—They undoubtedly took it for the Governor. I asked the Governor if it had reached him and he said it had.

The Moonshy belonging to the Persian Translator being asked whether another letter from Munny Begum, which is produced by Sir John D'Oyly from the Persian Office, is the same handwriting as that delivered by Nundcomar, he replies that it is not, but that the seal of the letter is Munny Begum's seal, and that the direction and body of the letter appear to be the same hand.

It is observed by the Board that the letter which has been given in by the Rajah was written two years and a half ago, and that the letter produced by Sir John D'Oyly was written only a few days ago.

The Board thinking it necessary to examine Cantoo Baboo he is called upon by a written order from the Secretary to appear immediately at the Board and sends an answer in the Bengally language to the following effect.

It is ordered that I attend the Council. The Governor is at present here, and I am with him. He prevents me for which reason I cannot go. When the Council is complete, if I am summoned, I will attend.

KISSEN CANTOO DOSS.

Resolved that Cantoo Baboo, the Governor-General's Banyan, having refused to obey the summons of the Board, under pretence that he was with the Governor, but that he would attend whenever the Board was complete, has been guilty of a high indignity to this Board.

The Board having no further questions at present to put to Rajah Nundcoomar he is desired to withdraw.

The Secretary is desired to wait on the Governor-General with the most respectful compliments of the Board to acquaint him that Maharajah Nundcoomar having been examined is now withdrawn, and that they desire he would be pleased to return and take the chair.

The Persian Translator reports to the Board that there appears some trifling inaccuracies in the translation of Munny Begum's letter to Maharajah Nundcomar, which he has delivered in, but that in general it is a true translation.

Ordered that the Persian Translator be directed to make a copy of the original Persian letter, and to prepare a perfect translation of it, but that the original be returned to the Rajah.

The Secretary returns from the Governor-General and reports that he communicated the Board's request to him and received the following answer, which he took down in writing:—

The Governor-General cannot reply to a message delivered to him under a title which he does not acknowledge, but presents his compliments to General Clavering, Mr. Monson, and Mr. Francis, who he understands from the Secretary are at the Council House, and begs leave to decline meeting them in Council at this late hour of the night, when he has it not in his power to call a full Board. Mr. Barwell being in the country, he has ordered summons for a Council in the Revenue Department tomorrow, at which he hopes to have the honor of meeting them.

It appearing to the Board that the several sums of money specified in Maharajah Nundcomar's letter of the 8th March, *viz.*:—

			Rs.	a.	p.
In Goldmohurs ...	... 4,412 at 17 A. Rs. ℔ Mohur		75,004	0	0
Ditto ..	... 1,470 at	ditto ...	24,998	8	0
Ditto ...	... 1,82½ at	ditto ...	3,102	8	0
One bag containing ..	... ...	... A Rs.	1,000	0	0
Given by Munny Begum	... ...	... S. Rs.	1,00,000	0	0
Given by means of Nundcomar ...	...	.	1,50,000	0	0
		Total ...	3,54,105	0	0

have been received by the Governor-General, and that the said sums of money do of right belong to the Hon'ble East India Company.

Resolved, that the Governor-General be required to pay into the Company's Treasury the amount of those sums for the Company's use.

Ordered that the Secretary wait on the Governor-General and communicate to him the above resolution requesting his answer to it.

The Secretary reports to the Board that he has waited on the Governor-General, who refuses to receive the above as a resolution of the Board and will give no answer to it.

Ordered that the proceedings of the Board and all the papers relative to Maharajah Nundcomar's charge against the Governor-General be delivered to the Company's Attorney, that he may lay them before Council for their opinion how to proceed in recovering for the Company's use the several sums of money which the Governor-General has received from Maharajah Nundcomar or Munny Begum, for services done them through his influence.

When Governor Hastings arrived in Calcutta from Madras, and entered upon the charge of affairs, he sent for me, *and making a compact between us, (ahud peiman neemoda)* said to me—"Meer Mahomed Reza Cawn and Rajah Shitabroy have done many bad things, and their oppression and mal-administration are notorious. I will divest them of their office. Do you give me your attendance and I will take their accounts through you."

I attended agreeably thereto, and prepared an account of the embezzlements of both, which I delivered to him.

The account of Mahomed Reza Cawn's embezzlements, which I delivered to the Governor, contained the sum of about Rs. 2,03,28,957, partly arising from the money of which he had defrauded the Nizamut, not mentioning the jewellery, &c., during the period between the beginning of 1172 and end of 1178 Bengali style, and partly from what he had amassed from Dacca during the period between the beginning of 1170 and end of 1177 Bengali style, and also the

sum of about Rs. 1,02,00,000, which were written as the balance of the districts under his collection, though he had taken it for his own private use; both sums together amount to about Rupees 3,05,27,957. I moreover produced to the Governor the complaints which appeared before me concerning the purchase and sale of grain. Mahomed Reza Cawn, upon hearing the news, sent a man to acquaint me that he would give the Governor 10 lacs of rupees and me two lacs to prevent the prosecution of the enquiry into his accounts and the story of the grain. I related the circumstance to the Governor who replied—"How can an affair of crores be dropped for such a trifling consideration; no, I'll take all that he owes to Government, and till he pays it he shall remain in confinement." In the end he received something considerable through Coja Petroos, Ally Ibrahim Cawn, and Cantoo, and released Mahomed Reza Cawn, and nothing was done relative to the embezzlements, and these accounts and the complainants, who had been confronted with Mahomed Reza Cawn and had proved their complaints against him, never recovered their right.

I prepared and delivered to the Governor an account of Rajah Shitabroy's embezzlements, amounting to 90 lacks of rupees. Maharaja Deritchnarrain, upon hearing the news, wrote three letters from Moorshedabad—one to the Governor, one to Mr. Reed, and one to me, to the following purport:—

"The accounts which have been delivered in of Rajah Shitabroy's embezzlements state the sum at 90 lacks of rupees. Let 30 lacks of it be set aside for deaths of ryots and irrecoverable balances, and let the sum be fixed at 60 lacks. Let Shitabroy be dismissed and let me be appointed. I will answer for the collection and payment of the 60 lacks, as well as engage that the Soubah of Behar shall produce more than when Rajah Shitabroy had charge of it, and I will keep the country in a state of population." Upon receiving intelligence of this Rajah Shitabroy sent a man to acquaint me that he would give 4 lacks to the Governor and 1 to me, if I would desist from enquiring into the accounts. I related this circumstance to the Governor who replied—"Do not hearken to him but take from him what he owes to the Government." Yet in the end, having received to a large amount through Cantoo, and Cantoo himself also having received something handsome, a rich kelat was given to Rajah Shitabroy and he received his dismission to Patna.

When Mr. Hastings was on the point of setting off to Benares he told me to adjust the account of the embezzlement of Rajah Cheit Sing, son of Bulwant Sing. I accordingly delivered in an account of what had been embezzled by Rajah Cheit Sing from the pergunnas Keera Mungroa and Bejeigurre, in Behar, from the beginning of 1170 to the end of 1178 Bengali style, settling each year at 3 lacks of rupees and the total at 24 lacks. Mr. Hastings said to me—"leave a copy of this paper in the hands of Rada Churn; that should Rajah Cheit Sing pretend to disown it he may be confuted" After all he arrived at Benares, and having received something considerable through Mr. Motte and Cantoo from the House of Cashmeery Mull, did not adjust the affair, nor procure the payment of any money to the Government.

Illahabad, Kurrah, Korah, and Jehanabad having been rescued from the Mahrattas by the exertions of Major Carnac and brought into the possession of the Company were left by Lord Clive for the use of the King Shah Allum, who upon going to Dehly appointed the Nabob Moneer ul Dowlah to the charge of the bundoobust and collection of the said Kurrah and Korah. The jumma of the whole year will be near 50 lacks, but now the Governor having received something considerable from Shujah-ul-Dowlah has made them over to him for the payment of 40 lacks of rupees to the Company, and did not settle them upon the King, nor reserve them for the Company.

Having caused Rajah Raje Bullub to be appointed to the Mutseddigurree of the Khalsa Shereefa, the Governor has received something considerable from him, and has also on other occasions benefited himself through him.

Upon the bundoobust of Rajeshaye, &c, the zemindarry of Rannee Bowannee, he has taken a considerable sum of money between the beginning of 1179 and end of 1180.

He has taken money through Raja Kishen Chund, Zemindar of Ukra, &c, between the beginning of 1179 and end of 1180. If he denies it summon Simboo Chund, son of Kishen Chund, and enquire of him and it will be known.

A five-anna share of Jehangeerpore had been settled upon Bernisser Chowdrey, and the share of the other partners was eleven annas. Cantoo, the Governor's Mutseddy, caused nine annas of the zemindary out of the eleven to be given to Bernisser and received a present from him, and took for himself a kibbala or bill of sale of the remaining portion of two annas, which was the most profitable part. The late eleven-anna zemindars are now distressed for subsistance and are attending to complain. Besides this, Cantoo has caused the zemindary of Futta Jungpoor to be given to Bernisser and taken a bribe. He has also by collusion procured a kibbala of the pergunna Sheergurra in Pacheat from the zemindars and taken it. He has also obtained the lease of Umberabad Shah-o-jal, &c., in Rajeshaye at the outcry through the zemindars, and has collected over and above the stated jumma considerable sums from the mofussul by oppression, and the ryots are attending to complain. Cantoo's profit accruing from the above articles amounts to near Rs. 1,25,000. Whether he has kept this money himself or given it to the Governor will appear upon enquiry.

The Governor conformably to the wishes of Cantoo, who is the instrument of his embezzlements, has caused pergunna Bahrbund, the zemindarry of Rannee Bowannee, to be settled as a zemindary in the name of Cantoo's son. Rannee Bowannee has committed no fault, and Cantoo has no claim of inheritance on the pergunna, yet the Governor has given it conformably to Cantoo's wish. Whether the perquisite is Cantoo's, or whether he gives it to the Governor, will be known if you will please to enquire.

He has taken Rs. 51,000 on account of the Russoom and Raneas of the Canoongoes and Chowdries of Midnapore and Jellasore. This is a new paragraph from the Munny Begum to Rajah Nundcomar, dated the 3rd of Jummadee Assany in the 11th year of the present reign.

"By the grace of God and the favour of the Governor all affairs are settled agreeably to my wishes. When I found my own affairs in this happy and desirable situation I thought myself bound in gratitude to make some return to the Governor for the great favours conferred on me in raising my rank and the dignity of the Nizamut. After considering what would be a proper offer I sent a proposal of one lack of rupees begging that it might be accepted as an acknowledgement on my part. The Governor answered.—'I have not done what I have from motives of private advantage, but for your satisfaction who have trusted your interest solely to me.' When I pressed the acceptance of a lack of rupees exceedingly upon him he at last said—'If you insist on making me a present, give two lacks of rupees as Maharajah (meaning you) engaged. I agree to it, otherwise it is at your option.' I guessed my friend that these two lacks of rupees was a part of the three lacks and a half about which I wrote to you in a letter dispatched with Kaim Beg, and of which I sent you word by Roy Juggut Chund.

At any rate, however, I conceived that if I said anything about it all that you had done for me would be entirely destroyed, and everything be ruined. I therefore sent word to the Governor 'that at the time that disturbances were raised by a treacherous and ungrateful enemy, I wrote word to Maharajah that whatever was judged requisite and expedient for my advancement and foiling my enemies, I desired he would put in practice; that Maharajah had written me an answer, but had not mentioned any precise sum; that when Roy Juggut Chund arrived with his and your letters I had not an opportunity of a meeting with him, and therefore was ignorant of this engagement of two lacks of rupees; that I thought it probable that in conformity to what I formerly wrote Maharajah, he had engaged for this sum, and that I bound myself to discharge what Maharajah had engaged for and begged he would accept of one lack of rupees here, and that I would draw on the Maharajah for the other lack, which he would deliver to him at Calcutta.'

I thank God that I met with the Governor's concurrence and approbation to this proposal. As your interest and mine are the same and we are partners in prosperity and adversity, I therefore request that you will lend me upon the strength of my word one lack of rupees which you will be so kind as to present to the Governor on his arrival at Calcutta. I am raising one lack of rupees which I shall present to him here. I will repay the money which I

borrow from you in a very little time by the means of Rajah Goordass. I earnestly intreat that you will not entertain the least doubt of this. You may depend on my faithful performance of what I have engaged, in which my interest is so much connected. Moreover I acknowledge myself bound for whatever sums you may have given or engaged to give to the gentlemen of Council for the advancement of my interest.

Write me a particular account of them, that I may raise the sum required and send it. For the future, let us take care in the conduct of our affairs to plan and consult together, that in a case of our being called upon, no difference may appear in our representations and answers, and that I may confirm whatever you report. In short, as words express the meaning of the writer and are intimately connected with it, the same strict conformity and intimacy should subsist between us, that our secrets may not be known. All that I have now written you must keep the most profound secret; it must only pass from my breast to yours. Let nothing of the secret part of these transactions be known to the Governor, the gentlemen of Council, or to any others. The proverb is "a word to the wise." Make me happy with frequent accounts of your health."

A true translation,

J. H. D'OYLY,

Acting Persian Interpreter.

Secret Dept., Fort William, 20th March 1775.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq.

PHILIP FRANCIS Esq.

The Secretary informs the Board that he last night received an order from the Governor-General to summon a Council this morning, in consequence of the following letter to him which he ordered to be recorded :—

A Council called at the desire of General Clavering, Colonel Monson, and Mr Francis

SIR,—We have the honor to inform you that we have received advices of very great importance from the second brigade, now in the field, which have a relation to the conspiracy mentioned in Colonel Galliez's two last letters. We desire that you will be pleased to summon a Council in order that we may lay the above advices before the Board, and take the subject of them together with some other points of material business into immediate consideration.

We have the honor to be,

with great respect, &c ,

The 19th March 1775.

J. CLAVERING.

G. MONSON.

P. FRANCIS.

Read the Consultation of the 13th instant.

THE GOVERNOR-GENERAL.—I declare that the words "I quit the Council" were not recorded by me; what I said on leaving the room I do not remember,

but I know that I never meant to acknowledge the existence of the Council after I had quitted the room, and had declared it to be dissolved.

General Clavering moves that the Proceedings of the 13th instant be recorded as read and approved.

Mr. Francis.—Agrees.

Mr. Barwell.—The proceedings of the Board of that day I approve. The proceedings after the dissolution of the Board by the Governor-General, the majority of the members have certainly a right to introduce on the proceedings, but I esteem it merely in the same light as any consultation which 2, 3, or 4 members of the Board assembling, in any other place but the Council House, may with equal propriety have conducted and introduced in a minute, as the result of their joint opinions and deliberations. The subject which is treated on in this addition to the Consultation of the 13th instant I have from the first declared to be improper, and I look upon it to be more especially so as the Governor-General has expressly charged the three gentleman who took cognizance of the charges brought by Nundcomar against him to be parties in the accusation. There is something so strikingly improper in the accusers and the accused sitting at the same tribunal, that I own, it would have afforded me extreme satisfaction if the alternative I had proposed, in delivering my opinion when this matter was first introduced, had been pursued, and the character and dignity of the first officer of the Government not lowered in the opinion of the natives, by promulgating throughout the whole country that all power and authority was taken out of the hands of the President.

Colonel Monson.—I agree to the motion acknowledging no power or authority in the Governor-General solely to dissolve this Board.

General Clavering.—Agrees to the motion.

The Governor-General.—I agree to the motion so far as it respects the proceedings of the Board of which I am the head. The proceedings of General Clavering, Colonel Monson, and Mr. Francis, held after my departure and after I had declared the meeting of the Board to be dissolved, I do not acknowledge to be the proceedings of the Board. I therefore cannot approve them.

General Clavering, Colonel Monson, and Mr. Francis deliver in the following Minute.

The Governor-General having repeatedly claimed and endeavoured to exercise a power of dissolving this Council in its several departments, and having also repeatedly and publickly declared his opinion that any acts done by the majority of the Council in his absence (when he had quitted the chair in opposition to the sense of the majority) were not the acts of the Board, nor legal, which declarations he has been pleased to confirm by his letter to Mr. Richard Sumner of the 18th instant, recorded in the Consultation of the Revenue Department; we beg leave to lay before the Board our reasons for thinking that his opinions and conduct abovementioned are not warranted by law. And we request that he will be pleased to communicate to us the arguments which induce him to think that such opinions and such conduct are conformable to the Act of Parliament which constitutes the present Government. We for ourselves are convinced that his conduct in this respect is illegal, and that the public declaration he has made of his opinion tends manifestly to encourage a general resistance to the authority of this Government and to the subversion thereof. If the Governor-General can legally dissolve the Council at his pleasure, it follows of course that any acts done by the remaining members, in his absence, are not the acts of the Board, nor legal. But we deny the power claimed by the Governor-General in this respect, as we know no such authority in him, though, supposing he ever had been invested with such power, it is clear that the same is taken away by the late Act of Parliament, by which the constitution of our settlements in India is wholly new modelled; and the whole Civil and Military Government of this Presidency is vested "in a Governor-General, and four Counsellors in like manner to all intents and purpose whatever, as the same, at the time of passing the Act were, or might have been, exercised by the President and Council or Select Committee." This clause seems to us not at all to apply

or extend to the particular mode in which the power given shall be exercised, but only to fix and ascertain the extent of it. The subsequent clause describes and defines the manner in which it shall be carried into execution, and it is enacted "*that in all cases whatsoever*, or wherein any difference of opinion shall arise upon any question proposed in any consultation, the said *Governor-General* and Council shall be bound and *concluded* by the opinion and decision of the major part of those present." Suppose then a question to arise, whether the Council, should be dissolved, the majority of the members should be of opinion that it should not, in opposition to the Governor-General. Does not the Act expressly declare that he by name shall be bound by the decision of such majority. Suppose again that he should be of opinion that the Council should not be dissolved, and the majority present should be of a contrary opinion, would it be at all consistent with the Act that he alone, or that he and one other member, should continue sitting and do business? If he could do the one we think he might with equal propriety do the other: there seems to us the same reason, and the same right for each.

In every act, whether of a public or private nature, the rule of construction ought to be that the intent and purpose for which the same was made and done ought to be substantially pursued. How could this be the case. Supposing the power of dissolving the Council was vested in the Governor-General. Whenever any business came to be agitated, which we will suppose he should not approve of, how easy a matter would it be for him immediately to dissolve the Council, and so *toties quoties*, whenever the same case should happen—this would stop all public business but such as he alone chose to enter upon, and in effect make him absolute. In both cases it would be directly to counteract the most obvious ends and purposes of the Act of Parliament.

From whence the idea of this power arises we are at a loss to conceive, unless from the nature of the power vested in His Majesty's Governors in our American Colonies and plantations; there, it is true the Governor is the sole representative and deputy of the King, and as such has the power of dissolving or proroguing their provincial assemblies as he thinks proper; but then such power is annexed to the office by the original constitution granted by the King to those countries, and expressly confirmed by His Majesty's Commission and instructions to each succeeding Governor, which is by no means the case here. Neither is there, as we conceive, the least analogy between the constitution of those countries and this; but even supposing there ever had been, no doubt can be entertained but that the whole of the constitution of all those countries is liable to be new modelled and reformed by the general superintending power of the British legislature, and is in every respect subject to their control. Here, the Parliament has thought proper to interfere, and had clearly drawn the line.

The instructions from the Court of Directors were, or ought to have been, till this Act of Parliament, the sole guide, as we apprehend, for the Governor, or rather President and Council here, to go by. Such instructions are still in some measure to be followed but not wholly so. The Court of Directors may, it is true, instruct the Governor-General and Council as to the particular manner of carrying the Act into execution, but were they to give any one instruction which might even indirectly tend to counteract it, it would not, we presume, be doubted, but that such instruction ought to be wholly disregarded. If so, and there is no particular authority given to the Governor-General either by the King, the Parliament, or the Court of Directors, to exercise the power in question, we do not see from whence it can originate. The name of Governor-General is, with all due deference, nothing; a mere empty sound. The privileges and powers annexed to such title is what alone makes it valuable to its possessor, or respectable to others; what such privileges and powers are can only be known and defined by a reference made to the grant by which such title is conferred; that, in the present case, is the Act of Parliament, and we do not find that it either expressly or impliedly, directly or indirectly, gives any such power as that claimed by the Governor-General.

We think the presence of the Governor-General is not essential to the constitution of a Council, since the Act provides that in his absence, and supposing the remaining members to be equally divided upon any question, "the

eldest Councillor present shall have a casting voice, and his opinion shall be decisive and conclusive."

J. CLAVERING.
G. MONSON.
P. FRANCIS.

THE GOVERNOR-GENERAL.—This question has already been put and amply discussed at the Revenue Board on the 14th instant. I do not recollect any arguments or authorities by which I can sustain my part of the question stronger or more apposite than those which are contained in my minute upon that question, and in my minute in reply to a preceding question of Mr. Francis on that day upon the same subject. If, on the revisal of those minutes and on an attentive perusal of the minutes now delivered in by the majority, I shall find it necessary to use any further arguments on the subject, I will record them; for the present I shall only declare that I abide by my former resolution.

MR. FRANCIS.—Moves that a letter to the Hon'ble the Court of Directors be immediately drawn up and dispatched overland to acquaint them of the difference which has unhappily arisen in this Council between the Governor-General and Mr. Barwell on the one side and General Clavering, Colonel Monson, and Mr. Francis on the other, respecting a power claimed by the Governor-General to dissolve the Council at his pleasure, the former asserting and the latter denying the legality of such a claim. That the arguments on both sides be also transmitted to the Court of Directors, with the unanimous request of the Board that a decision of the above question be obtained and transmitted to this Government as soon as possible.

MR. BARWELL.—I see no objection to it at present; if any should occur to me afterwards I shall send them in.

COLONEL MONSON.—Agrees.

GENERAL CLAVERING.—Agrees.

THE GOVERNOR-GENERAL.—I cannot refuse my assent to the question, wishing equally with the gentleman, from whom I understand the proposition to come, an early decision of it. My sentiments unsupported but by a single member of the Board, imposing every disadvantage on me to which nothing but my sense of the duty which I owe to the respectable powers from whom I hold my appointment, could induce me to submit; but there are many objections to the proposal which would have dissuaded me from being the mover of it. I do not approve of detached questions being sent to the Court of Directors, considering (as I do) this only a point of a connected and deliberate system, adopted on the first formation of the Council and continued without intermission to this day. To render our advices on this subject complete would require a great variety of materials on both sides of the question. It will be scarce possible to commit these to cypher in the midst of the voluminous dispatches of the last ship of the season, and it will be dangerous to transmit them in plain writing. However, as the question has been put and resolved on, I will endeavour to perform my part in the preparation of the advices which are to be thus transmitted.

Agreed that a letter to the Hon'ble the Court of Directors be prepared accordingly to be transmitted to them overland.

GENERAL CLAVERING.—The refusal which Cantoo Baboo, the Governor-General's Banyan, made to comply with an order of this Board on the 13th instant, which required his attendance here, appears so contumacious to the authority of the Government that I move that an order of the Board be immediately given to bring him here to answer for his contempt.

THE GOVERNOR-GENERAL.—This is the third time that specious pretexts have been made use of to induce me to issue a summons for the meeting of the Board to introduce concealed matter. The first petition of the Ranny of Burdwan, and all the proceedings immediately subsequent upon it, were introduced in this secret way, a Council was then called in the Revenue Department at the requisition of the gentlemen of the majority for special purposes minutely

expressed, and this was the subject first introduced. The meeting of the Board in the same department on the 17th of this month was likewise desired for express purposes, and the same question which is now before the Board was brought on before any other question was proposed, although no intimation of it or allusion to it had been made in the requisition for the meeting of the Board. The purposes for which the same gentlemen have required a meeting of the Board to-day are expressed in the letter to me recorded on this day's Consultation, the first part of which alludes to some matter of great danger impending on the 2nd brigade, yet I find every other business must be postponed and the same question which was proposed at the last Revenue Board again renewed in this without the least previous intimation. What conclusion am I to draw from these proceedings but that the sole business of this Board is to treat their President with personal attacks and indignities. I will not assent to the question and I protest against it.

Mr. Francis gives his opinion as follows :—

I apprehend that the Governor-General and Council, or the majority of them, are legally vested with a power to summon any native of this country, being a subject of this Government, to attend at the Board and to proceed against the party refusing to comply with such summons as for a high contempt. The former Administration unquestionably exercised this power in a multitude of instances. The present Governor and Council, or the majority of them, are vested with the same powers to all intents and purposes as the same might at any time heretofore have been exercised by the late or any former Administration. I think that Cantoo Baboo has been guilty of repeated acts of contempt to the Supreme Council of this State, and that our first and most important business and duty is to arrest and maintain our authority. When this question is determined we may immediately proceed to the other business before us. I agree to the motion.

Mr. Barwell.—I am against the motion not knowing any instance of contumacy that Cantoo Baboo has shewn to this Board. I esteem the Governor-General as head officer of the State to execute the resolutions of the Government, and to be responsible for any deviation that may be charged to him before a higher tribunal than this Board. I think this power proper and necessary to be vested in the Governor-General, and that it is vested in him by the act of Government, that his conduct in this particular cannot be controlled by the Board, for could it, he himself might be made the instrument of every indignity and contumacy, if any such should be attempted to be thrown on his office. I therefore do conceive the Governor has a negative to the enforcing of any act of the Council; that the Council cannot legally enforce any act but through the Governor-General, who is responsible, as I have already observed, to a higher power than this Board for refusing his authority to the enforcing a resolution that may lower his office and render it contemptable. This could never be designed by the legislature, and the Governor himself is to judge the instances that may arise and the propriety of his refusing to concur in the resolutions with his executive authority. Cantoo Baboo is a very old servant of the Governor-General. It is well known that he would not have acted in opposition to the orders of General Clavering, Colonel Monson, and Mr. Francis had he not conceived in so doing he was acknowledging a power superior to the Governor. If therefore he is called before this Board and censured for not obeying an order out of the usual terms and irregular, the censure will not adhere to him but to the Governor-General. This, I think, should be avoided, and any resolution the Board may pass should be confined merely to our proceedings and not published by an express act that must degrade the Governor-General irretrievably in the eyes of all the inhabitants.

Colonel Monson.—I think the constitution of the Government has been deeply wounded in the unjustifiable conduct of Cantoo Baboo in refusing to obey the summons sent him by this Board. This Board has ever exercised an authority to send for persons before them. This power in many instances was exerted during the last Government, and all powers that they enjoyed are inherent in this Government by the late Act of Parliament. I therefore am for the question.

General Clavering.—No Government can subsist without its orders be obeyed. The resistance which Cantoo Baboo, the Governor's Banyan, has shewn in disobeying an order of the Government renders it absolutely necessary that the first moment the Council assembles should be employed in asserting and vindicating its authority. The contumacy of this man is so much the greater, as he has dared to make use of the Governor-General's name as a reason for his disobedience. Therefore I could wish that the Governor-General himself would, in support of his own dignity, unite with the other members of the Board in bringing this man to condign punishment.

The Governor-General.—Cantoo Baboo, as the servant of the Governor, is considered universally as the first native inhabitant of Calcutta. I observe the stress which has been laid upon the opprobious term Banyan applied to him, which is not applicable to him if used in the same sense by which the common brokers in this place are distinguished under that appellation. He is a man of a very creditable family, not a native of Calcutta, and has been publickly known many years in this country, in which his character is to this day irreproachable; as my servant he is amenable to the jurisdiction of the Supreme Court of Judicature. By the express words upon Act of Parliament, he was not subject to the Mayor's Court in which the exercise of the English law was vested before the constitution of the Superior Court. Any conclusions therefore drawn from the practice of former Governments, in which different rights and powers were supposed to be inherent, but have been since expressly abrogated, are fallacious and unwarranted. I repeat that I am against the question.

General Clavering.—I understand that Cantoo Baboo is the Governor-General's Banyan in the strict sense in which that term is understood in Calcutta; that he exercises all the functions of that office, whatever it may be. I am not acquainted with his origin, but I have always understood that he was Mr. Sykes's Banyan before he entered in the Governor-General's service, but he is a farmer, as I have said before in the proceedings of the Revenue Board, to a considerable amount, and in that quality alone I call upon the Governor-General to declare whether he is not amenable to this Board.

The Governor-General.—Amenable to this Board as a farmer? Most undoubtedly he is, if by amenable is meant accountable for his rents; but it appears then that I have been all along deceived. I thought he had been called upon for other purposes with which his profession as a farmer had not even the most distant relation. If I understand the English law, and the universal principles of justice, the application of a legal power to illegal purposes, the assertation of a right to a legal power, for purposes which do not appertain to it, is oppression. If this is the case that the Board mean to make of their authority, which they hold over the farmers of the public revenue, I shall protest against it in every instance as tending to reduce those who unfortunately hold those officers to the last degree of servitude, to discourage men of property and credit from offering themselves as farmers, and thereby essentially to injure the public revenue.

General Clavering.—I have declared in my motion that my reasons for proposing that Cantoo Baboo might be brought here was to answer for his contempt. Perhaps in the other Council I will take care that he answers for all the balances which may be due from him for those immense farms which he has been suffered to relinquish to the amount of 8 lacks of rupees. It is sufficient for the present that the Board carry into effect what has already been resolved by the majority of the Board.

The Governor-General.—I must protest also against this resolution of General Clavering, against all its consequences, understanding it as a declaration to punish Cantoo Baboo in his character of a farmer, not for his conduct in the discharge of that trust, but for his conduct in matters which have no relation to it.

General Clavering.—I have never said that I would punish him. I said that I would make him accountable for whatever balances may appear to be due from him; if that is a punishment he certainly shall receive it, as far as my poor endeavours can be used to forward it.

THE GOVERNOR-GENERAL.—I still adhere to my construction of the General's declaration as it is not connected with any subject that has relation to his farms, nor furnished by any apparent occasion in the management of them. Whether I am right or wrong the Court of Directors will be the judges.

Agreed to the motion of General Clavering and ordered that the Secretary issue a summons for the attendance of Cantoo Baboo.

The General further moves that an order in the usual form be immediately sent to Cantoo Baboo to attend, with directions to the messenger to leave it at his house, if he should not find him at home, to direct him to attend on the Council on the 1st day of its meeting, of which the Secretary shall give him previous notice.

MR. FRANCIS.—I agree.

MR. BARWELL.—I agree.

MR. MONSON.—I agree.

THE GOVERNOR-GENERAL.—Having objected to the first question I cannot give my assent to this.

Agreed to the above motion of General Clavering.

Ordered that the Secretary immediately send the summons to Cantoo Baboo, and that he give the proposed directions to the messenger.

General Clavering, Colonel Monson, and Mr Francis having received letters from the King Shah Alum and from Mujid-ul-Dowla they think proper to lay them before the Board translated as follows —

A

The King Shah Alum to General Clavering, Colonel Monson, and Mr. Francis

B

Translation of a letter from the Nawab Mujid-ul-Dowla to General Clavering, dated the 16th of December 1774, received 17th March 1775.

"I acquaint you that previous to this a favouring letter of His Majesty, expressing his satisfaction at the news of your arrival in health in Calcutta, accompanied by a congratulatory letter from myself, was dispatched to you and would be presented by Rajah Diaram. A second letter from His Majesty, comprehending some matters of business which will be evident to you, you will now receive. The particulars from first to last of the agreement which the Chiefs of the English Company bound themselves by promise and oath to preserve fifteen years ago, and their having now for nearly three years past acted contrary to that engagement, are distinctly written in His Majesty's letter. As you are come on the part of His Illustrious Majesty of England, and friendship subsists between my sovereign and Him, His Majesty is assured you will endeavour to promote this harmony, conciliate his esteem in all matters, and exert yourself particularly in settling this stipulated business. It is necessary that you will speedily send to me a reply to His Majesty's letter, and regard me as employed day and night in remembrance of you and desiring your friendship.

R. E. ROBERTS,

Persian Translator.

A.

Translation of a letter from the King SHAH ALUM, without date, received 17th March 1775.

(*After the usual address*).—"The Chiefs of the English Company gave us a security of the value of one or two purgunnahs for the province of Bengal till it should become flourishing. We, regarding the faith, truth, and services of the English Chiefs, accepted it, and when the security was given we conferred the Dewannee of the provinces of Bengal, Behar, and Orissa on the English Company. For some time the Chiefs paid the stipulated money, and remained firm to their engagements and in their duty. It is now near three years that the stipulation has not been paid, and that they have departed from their agreements. Our faithful servant Rajah Diaram is present in Calcutta to receive the payments, notwithstanding which in paying the stipulated money,

and in other matters the Chiefs of the English Company act contrary to our expectations, and their own engagements.

Hearing at this time that you and other gentlemen, who in rectitude and true knowledge are unequalled, are arrived in Calcutta on the part of my brother, King George, and that Mr. Hastings also is now honored by His Majesty's service, the news affords us the highest satisfaction, because we have the sincerest regard for His Majesty, and doubtless He is also desirous of our health and prosperity. We have no question too, but that His Majesty will be pleased at your rendering services to us. Our business is of the most trifling consideration. We have clearly explained it to our faithful Minister and servant Mujid-ul-Dowla. Having understood the particulars from him you will attend to the regulation of our affairs, and paying the stipulated money by means of Rajah Diaram before all other matters.

R. E. ROBERTS,
Persian Translator.

Letter from His Majesty SHAH ALUM to COLONEL MONSON.

Our favorite subject, worthy of regard, chief of our loving subjects, honored with our royal favor, may the Almighty protect you? The English Company entered into a written engagement to guaranty to our royal person the payment of a small sum not exceeding the revenues of one or two purgunnahs in the Soubah of Bengal till the country should be brought into a flourishing and cultivated state; and we, in consideration of the loyalty and faithful services of the English, agreed thereto; and as they gave a written security for the payment of the tribute, we were also pleased to confer on them the Dewannee of the Soubahs of Bengal, Behar, and Orissa. For some time the English Company adhered faithfully and steadily to their engagements, and remitted their royal tribute, and also continued in obedience to our Government. It is now near three years that they have neglected to remit the tribute money, and have acted contrary to their engagements. Diaram Pundit, an ancient servant of our Government, resides at Calcutta to receive the kistbundee money. Nevertheless the conduct pursued by the Company with regard to the payment of the said tribute, and the other affairs of our Government, has been contrary to our expectations and in violation of their treaties. We have lately heard that you our favorite subject, with others who are without equals in candor and knowledge of right, are arrived at Calcutta on the part of our dearly beloved brother King George, and that our favorite subject Amand-ud-Dowla Bahadur is also joined in the Commission. We received the greatest pleasure and satisfaction at the news of your arrival, and that of our other favorite subjects, because we have conceived the most firm and perfect friendship towards our brother, dear to us as life; and we are now convinced that our said brother is heartily interested in our welfare and satisfaction, and there is no doubt that by acting with loyalty and fidelity to our sacred person you will give pleasure to our dearly beloved brother.

The affair of our tribute is very trifling; we have given directions to our dear son Mujid-ud-Dowla Bahram Jung Bahadur, who is an old and trusty servant of our Government, and invested with the management of all the affairs of it, to inform you of all particulars, which being made acquainted with from his letter, you will consider the settlement of our affairs, and the remittance of our tribute by the means of our faithful servant Rajah Diaram Pundit as superior to all other business and to be first attended to.

The letter from SHAH ALUM to MR. FRANCIS is conceived in the same terms as the above:—

FROM MUJID-UL-DOWLA to COLONEL MONSON.

Some time ago a Shukka Khas from His Most Sacred Majesty, expressive of his regard to you and of the pleasure which the news of your arrival in

safety at Calcutta afforded him, was prepared to do you honour, which I forwarded to you accompanied by a letter containing assurances of friendship from myself which have been delivered to you by the exalted and dignified Rajah Diaram Pundit Bahadur. Another Shukka Khas concerning several affairs has lately been prepared for you, which you will receive, and will from that be made acquainted with the orders it contains. My most gracious master has therein fully set forth with his sacred pen all the particulars from first to last relating to the tribute which the English Company have been bound by the strictest treaties to remit to the royal treasury for these 15 years past, and which they have violated for near three years. As you my friend are come on the part of His Most Illustrious Majesty the King of England, and a friendship subsists between your sovereign and His Sacred Majesty, my most gracious master has no doubt that you will endeavour to improve this friendship and that you will, on all occasions and particularly in the settlement of the affair of the tribute, exert yourself to the utmost of your power to give him satisfaction. You will return an immediate answer to His Majesty's Shukka Khas and forward it to me, and will consider me as continually employed in thinking of you and anxious for your friendship.

The letter from MUJID-UL-DOWLA to MR. FRANCIS is expressed exactly in the same terms.

Ordered that these letters lie for consideration.

The Governor's reasons why General Clavering had no right to demand the vouchers of Colonel Leslie's demand on Colonel Champion.

The Governor-General gives the following reasons why in his opinion the Commander-in-Chief had no right to demand from Colonel Leslie the proofs and vouchers of his charge against Colonel Champion:—

1st.—Because, it appears evidently from the mode of Colonel Leslie's proceedings, as well as from his absolute declaration, that this is entirely a matter of private litigation between Colonel Champion and him, and that he renounces all claim whatsoever on the Company on that account.

2nd.—Because, there being a positive order of the Board to Colonel Champion to incur no expence whatever on the Company's account for cantonments, if Colonel Leslie has any demand for service of that sort undertaken by Colonel Champion's orders, he is to look to him only for his reimbursements, and were he to recover against him (even supposing Colonel Champion had not been indemnified by the Vizier) the Company would not be bound to indemnify him. To call on Colonel Leslie therefore to produce his claims is in a degree acknowledging that the Company is bound to see them satisfied, which I am confident they are not either in law or equity.

3rd.—Because had even the Company an interest in the suit the proper way would be to defend it for Colonel Champion in the Courts of Law, or at least to come to a resolution in Council to indemnify him in case he be cast. Such an interest is still a stronger reason against calling on Colonel Leslie for his vouchers. It is unjust to require a plaintiff to bring his proofs before the defendant who denies the charge.

4th.—Because for any man or body of men to call for, in an authoritative manner, and hear proofs in any suit pending in the Courts of Law (or even only commenced by the first process of the Court) appears to me to be a contempt of that Court, and an obstruction to the ordinary course of justice.

5th.—Because for the Commander-in-Chief of the army to interfere in a private suit between officers, and under pretence of the public interest to take up the defence of either party, though the other renounces all claim on the public, is a manifest perversion of military authority, and tends directly to the oppression of every person under it, and to deprive them of their birthright, the benefit of the common law.

W. HASTINGS.

Cantoo Baboo, attending according to the summons of the Board, is called in, and Colonel Monson proposes the following questions to be put to him:—

Cantoo Baboo called in and interrogated.

Question.—Did you receive a summons from this Board on Monday, the 13th instant, to attend them?

Mr. Auriol, Assistant Secretary, is desired to interpret the questions to Cantoo Baboo with his answers, and having accordingly put the above question to him he answers—

Answer.—I did.

Question.—Why did you not come?

Answer.—I was with the Governor, who heard of the summons and said what occasion is there for your going? Don't go.

Question.—Are you not sensible that the authority of this Government is placed in the Council?

Answer.—We Bengallics, the people of this country, know that the Governor's orders are in force upon us, and that next to these the orders of the Council are over us.

Question.—Would you not have obeyed the orders of the Council if the Governor had not told you to disobey them?

Answer.—I certainly should have obeyed the orders.

Question.—Did you receive a summons on Tuesday, the 14th instant, to attend the Board of Revenue.

Answer.—I did receive it.

Question.—Why did you not obey it?

Answer.—For the same reasons as those I before mentioned.

Question.—Did you not receive another order to attend the Board of Revenue on Friday the 17th instant?

Answer.—I did not receive any on Friday. I got one on Saturday to attend at the first Council, and I returned for answer to Mr. Sumner that I would attend at the first Council. I went to Mr. Sumner's this morning and I learnt that there was no Board there, but he directed me to be present on the first Council day.

Question.—Did you receive an order of this Board to attend here to-day?

Answer.—I received no written order to-day. A peon left word at my gate, and on receiving the notice I came.

Question.—Do you know from whom that peon came?

Answer.—I did not see the peon: my people told me that a peon had come with an order of Council, and had left word that it was the Council's order for me immediately to attend.

Withdraws.

Cantoo Baboo is now ordered to withdraw.

General Clavering.—The Governor having threatened me for having proposed a form of punishment for Cantoo Baboo, that which he usually inflicts every day upon the poor natives by putting them in the stocks by ten or twelve at a time; that if I meant anything personal to him he would make me answer for it with his life; I therefore move that Cantoo Baboo be put into the stocks to have that same punishment inflicted upon him which the Governor inflicts every day upon so many miserable Hindoos merely for easing themselves upon the Esplanade, two miles distance from the town.

The Governor-General.—The General has not used my words, which I will repeat. The General had twice proposed, and in the language of a menace, that Cantoo Baboo should be put in the stocks. I said if he attempted anything in his own person, and by his own authority, I would oppose it, with my person, or personally oppose it, at the peril of my life. I added that if he made use of the law I would oppose him by the law. Mr. Barwell, are these my words?

Mr. Barwell.—I remember words to such effect.

General Clavering.—I deny having used any language or any appearance of menace to the Governor-General. I know too well what I owe to his situation to be guilty of it. As he must have been acquainted with the usual forms of punishment for contempt, I applied to him to know what it was, and asked him if the stocks were not used upon such occasions. I was then surprised to hear him declare that he would resent personal attacks, or words to that effect, with his life.

The Governor-General.—I cannot help remarking the pains taken by General Clavering by allusions to every part of my conduct, and loading it with terms of reproach, to provoke me beyond the line of that moderation and temper which I have exercised in a course of almost exhausted patience during the last six months. I was first attacked on the subject of the Jautmalla Cutcherry, which was represented as arbitrary and oppressive, although this has existed from the first establishment of the Company and had no relation to the subject of debate before us. If it was improper, why was it not proposed long ago that it should be abolished, why reserved for this time to be made use of as an instrument of provocation? The stocks were erected on my first coming to the Government, to preserve the air of the city from the foulest nuisance: they have continued ever since, and I have always understood that it was universally looked upon as a benefit: if it was wrong or illegal, why have they so long been permitted to remain there? A motion of the Board might have effected their removal, but to propose to inflict such a punishment, so disgraceful to a man of character and credit, would be an extension of rigour equal to death.

Mr. Francis moves for an adjournment of the Board.

Mr. Barwell has no objection.

Colonel Monson.—I consent to the motion.

General Clavering.—I agree to adjourn.

The Governor-General.—I have no objection.

Agreed that the Board do adjourn accordingly.

Secret Dept. Fort William, the 24th March 1775.

Friday. At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Lieutenant-General John Clavering.

The Hon'ble George Monson.

Richard Barwell, Esq.

Philip Francis, Esq.

Read and approved the Consultation of the 20th instant.

The General Letter signed.

The General Letter from this department to the Hon'ble the Court of Directors for the *Arson's* packet being prepared is now read, approved, and signed.

The Governor-General thinks it necessary to lay before the Board the following remark, which he is obliged to make in consequence of this letter.

The Governor does not by signing the letter acknowledge the legality of all the proceedings.

The Governor-General, in signing the General Letters in this Department, thinks it necessary to declare that he does not mean thereby to acknowledge any proceedings as legal which were carried on by General Clavering, Mr. Monson, and Mr. Francis, and recorded as Minutes of Council in the absence of the Governor-General, and after he had dissolved the Council. His signature to

these letters is only meant in obedience to the orders of the Court of Directors for the authentication of the facts narrated in them, without conveying any assent to the opinion which dictated them or approbation of the measures themselves.

WARREN HASTINGS.

General Clavering's answer to the Governor's respecting Colonel Leslie.

General Clavering delivers in the following minute in answer to that given in by the Governor-General at the last consultation:—

General Clavering's answer to the Governor-General's minute in reply to that which he delivered in to the Board on the 2nd March complaining of the conduct of Colonel Leslie.

I think it is the highest compliment the Governor-General can pay to my virtue to shew that he wishes to find fault with my conduct without being able to lay the least imputation to it.

He may depend on it, I will never flinch from any accusations that he, or any body else, shall bring against me. I will never quit the Council, nor prevent my Banyan appearing there to be examined.

The minute I gave in to the Board on the 20th March will justify my conduct to the Court of Directors. They will see by it that I could have no other view in calling on Colonel Leslie to deliver up the vouchers for the demand he made on Colonel Champion to be paid for a public work, than to fulfil a trust which the Company has conferred to me. I have said before, that a Quartermaster-General, acting as such, could make no demand on Colonel Champion as Commander-in-Chief of the army for a work performed for the Company's troops that was not, or might not eventually become, a demand on the Company. In calling, then, for a military contingent account I executed the duty of my office, and was very happy that the Council was pleased to approve of my conduct. Why Mr. Hastings' approbation was withheld from me can only be ascribed to that gratitude which he owes to Colonel Leslie for the support he gave him in his quarrel with Colonel Champion. But ought private motives, or even the Governor's personal resentment to me for the public part I have taken against him, actuate him to make him forget what he owes to himself, and the duty of his station? He ought to know that I should have been reprehensible if I had neglected to have done what I did do. It is, however, incumbent on me to acquaint the Board that the Governor-General's assertion in the 4th paragraph in his minute, *viz.*, "That for any man, or any body of men, to call for papers or proofs in an authoritative manner, on any suit pending in the Courts of Law (or even only commenced in the first process of the Court)" is founded on assumed facts, which had no existence at the time, nor to my knowledge have they any yet. Consequently the inference the Governor-General would draw from it, in the 5th paragraph (when I declare there was no process pending or commenced in the first process of the Court). That it is a manifest perversion "of military authority, and tends directly to the oppression of every person under it, and to deprive them of their birth-right, the benefit of the common law," is very injurious to the Council, whose approbation I received, and derogatory to the honour of the Governor himself, whose office it is to countenance and support the Commander-in-Chief in the due exercise of the trust which the Hon'ble the Court of Directors have confided to him.

JOHN CLAVERING.

The Governor's minute on Mr. Francis's remarks on his letter to Mr. Mitchell

The Governor-General enters the following minute in consequence of the remarks of Mr. Francis in Consultation 8th March on his letter to Mr. Mitchell, desiring him to make a correction, by inserting a sentence which was omitted in his first minute of appeal to the Court of Directors:—

The Governor-General in reply to the minute given in by Mr. Francis on the subject of his letter to Mr. Mitchell of the 21st February has only to

observe that the minute, the copy of which he desired Mr. Mitchell to correct, was not originally delivered in and recorded at the Board, but transmitted by him directly to the Court of Directors, without any previous communication to the Board, and made part of his private address to them of the 3rd December. That if any error or omission took place in transcribing that address, he conceives he has a right to correct it. That an omission such as he mentioned did happen he positively declares, and indeed he appeals to the judgment of Mr. Francis whether the paragraph referred to was complete or could mean anything as it stood. He could surely have acquainted the Court of Directors, in his next address, of the omission in transcribing the former, but he chose the method of requesting the Secretary to correct the error in the original as the most regular, and what he thinks his letter would sufficiently warrant the Secretary in doing.

As to Mr. Francis calling on him to point out the passages he alludes to, in the above-mentioned minute, without attempting to rummage among the heap of personal minutes of attack with which he has been loaded for other invectives, he will only beg leave to quote the following passages from Mr. Francis' minute No. 5, Consultation, 3rd November—"The conditions which the late Government have unfortunately suffered him (the Vizier) to prescribe to him, considered merely as the terms of a contract, for I do not mean to insist on it, in a political view, upon the danger and dishonor of submitting to such conditions, are so loose and unguarded, &c., &c."

"I do not scruple to declare that if the extravagant engagement (meaning that of leaving the troops with him) had been ratified in all the forms by which public treaties are usually authenticated, but none of which have been observed upon the present occasion, I should reject it with disdain."

In minute No. 9, Consultation, 25th November—"He (Mr. Francis) did undoubtedly mean to assert a strong disapprobation of those measures, and that the terms in which he expresses himself are mild and moderate in comparison of what he really thinks of that conduct."

Thus, Mr. Francis charges the late Administration, and particularly in those measures which were conducted chiefly by the Governor, with suffering the Vizier to *prescribe* to them conditions which in a political sight were dangerous and *dishonourable* and with entering into engagements which were *extravagant*, which however ratified would have met with *disdain* from Mr. Francis, and he declares that the terms which he thus uses in expressing his *disapprobation* of them are *mild* and *moderate* in comparison of what he really thinks of them.

The Governor-General must also remark that with the term *extravagant* Mr. Francis employed another epithet, which to the best of his recollection was *mean*, and which on being objected to he effaced, but the impression it made could not be obliterated from the Governor's mind.

The Governor-General thinks what he has above quoted is sufficient to justify the paragraph alluded to in his minute to the Court of Directors, which he abides by, as containing the representation of a fact the truth of which they have it in their power to ascertain by the proceedings in their possession.

WARREN HASTINGS.

Mr. Francis' observation on ditto.

Mr. Francis delivers the following observations on the above minute:—

The Governor-General's minute in support of the charge he was pleased to bring against me in his letter to Mr. Mitchell of the 21st February has been communicated to me this day. I beg leave to submit to the Board the following observations on the Governor's minute with my hope and expectation that they will allow the answer to accompany the charge, and appear together before the Hon'ble Court of Directors.

I presume I had a right to call upon the Governor to point out the particular passages in which, as he asserts, I had branded his personal conduct with the epithets "*extravagant and mean* and other opprobrious terms." The labour of *rummaging* for such passages could not be very considerable, since they must have existed in some minutes of mine written and delivered in before the 30th of November last. I believe it will appear that every minute of mine from my arrival to that time might be comprised in a dozen pages.

2. In the passages now quoted by the Governor-General, I submit it to the judgment of my superiors whether the terms on which I delivered my opinion of a public treaty had any relation to the Governor-General's personal conduct, or whether they are in themselves *opprobrious*. I speak of the *danger* and *dishonor* attending the conditions which the late Government suffered the Vizier to prescribe to *them;* the Governor now changes the word *them* into *him* and misquotes my words, in order to give them the air of a personal reflection upon himself.

3. I said that those conditions, considered merely as the terms of a contract, were *loose* and *unguarded*, and I assigned my reasons for thinking so.

4. I declared that the article by which the late Administration agreed to leave the second brigade in the Vizier's service, without any limitation of time, or reserving any right of recall, but that without his permission they *never never* should depart, was an extravagant engagement, and that I should reject it with disdain. Far from desiring to retract that declaration, I now beg leave to express my adherence to it in the strongest and most deliberate manner, submitting myself to the judgment of my superiors.

5. The Governor-General again misquotes my words. In the explanatory minute of the 21st of November I said that the terms in which I had expressed myself were mild and moderate in comparison of what I really thought of *their* conduct. The Governor now changes the word *their* into *that*, in order that the remark may appear to be confined personally to himself, when in fact it is applied generally to the measures of the late Administration

6. The Governor-General after having advanced a positive charge, the truth of which could only be supported or refuted by the records, now says that, *to the best of his recollection*, the epithet *mean* was also applied to the above engagement. A charge supported in this manner will, I presume, have little weight. The only defence left me against it is to declare, as I now do, and as I am ready to do upon my oath, that the passage in question was read by myself and delivered into the Board exactly in the terms in which it stands recorded, without any alteration whatsoever.

If this question between the Governor-General and me should be thought worthy the attention of the Honorable Court of Directors, I flatter myself they will observe that it was revived by the Governor-General himself, at the end of three months, and that the share he compels me to take in it is purely defensive.

P. FRANCIS.

The Governor-General in consequence of MR. FRANCIS' remarks enters also the following: —

The Governor's further minute on ditto.

The Governor-General on Mr. Francis' reply to his minute observes that he believes Mr. Francis is right in his corrections of the words *him* and *that* to *them* and *their*. The error lies in the copy. The Governor-General did not copy them himself, nor does he think it of the smallest consequence in the conclusion he draws from them. Whether these expressions are applicable to him solely, or to him with others, makes no difference as to their propriety or effect.

With respect to the erasement in the original minute by Mr. Francis it may have escaped Mr. Francis' memory; but the expression made so strong

an impression on the Governor-General at the time, that he cannot be mistaken in his recollection of the fact.

WARREN HASTINGS.

Copies of all these to be sent by the *Anson*.

Ordered that copies of the several foregoing minutes be taken and sent numbers in the present despatch to the Hon'ble the Court of Directors.

Ordered that they lie for consideration.

Colonel Champion.

Received the following letter and inclosures from COLONEL CHAMPION on board the *Pacific* :—

GENTLEMEN,—Under date the 17th ultimo I was honoured with a letter from Mr. Hastings in these words—......" In the vindication of your conduct which you have lately delivered to the Board, you have thought proper to advance several heavy accusations against me and the late Administration, from which it is incumbent upon me to exculpate both myself and them. But the short time remaining between the delivery of your vindication and the departure of the *Pacific*, and the load of other business which necessarily engages my time, will render it impossible for me to prepare my reply to your vindication before the departure of that ship on which you have taken your passage. I therefore think it necessary to inform you of my intentions of replying fully to your vindication, not only in defence of my own and the conduct of the late Administration from your accusations, but also in examination of the charges which the late Vizier preferred against you, particularly that respecting the long inaction of the brigade before Lolldong. As these accusations were addressed to me by the Vizier in my capacity of first member of the Administration, it became the duty of my station to submit them to enquiry, and the method I preferred was to give them to your perusal, never doubting but your promised vindication would contain an ample refutation of them; but it does not appear to me that you have refuted them.

" I now acquaint you that I shall submit these matters to the examination and determination of the Board, and make a very free enquiry into such parts of your conduct as have been arraigned by the Vizier, and I give you this notice to prevent the supposition of my taking advantage of your absence in the prosecution of these enquiries, that you may, if you think it necessary, defer your departure for the opportunity either of supporting the accusations you have brought against the late Administration and me, or defending yourself from the charges which may appear against you. The delay which has taken place in this enquiry must be attributed to the length of time which has passed before the delivery of your vindication."

In answer to the letter I did myself the pleasure of addressing Mr. Hastings as follows :—

" I have your favour, dated the 17th. In my late address to the Board, I advanced nothing new ; it is only the substance of what I before said in the course of correspondence, collected into one view, with a few observations which naturally arose from the subject. These were inseparably connected with my vindication, and I beg leave to be of opinion that they are fully supported by the facts premised.

" It may be convenient to endeavour at making the gentlemen of the late Administration consider the cause a common one, in order to engage their support, but I hold them to be in a very different predicament.

" Do you mean to apologize for producing the Vizier's letter when you say it was a matter of duty ? I grant it was, but I cannot admit that it was any part of your duty to withhold, as you did, that letter from me for a month,

when you knew I had taken my passage in the *Pacific*, and that if she should sail at the time it was then intended to dispatch her, it would have been morally impossible for me to have prepared my vindication.

"With regard to your intended freedom of enquiry I am so conscious of the entire propriety of every part of my conduct—so self-satisfied of its being invulnerable—that I feel myself at perfect ease in suffering you to take advantage, not only of the influence which your station gives you, but also of my absence, relying on the honour of the Administration for impartial disquisitions.

"You have already had my address sixteen days, therefore the delay in your enquiries must not be imputed to the time which I of necessity took to lay my vindication, and the immense volume of correspondence before the Board; be pleased to acknowledge that it must be attributed to the extraordinary circumstance of your having kept up the Vizier's letter from the 28th of November to the 27th of December.

"I am sorry you profess an opinion that I have not refuted the late Vizier's charges, but I firmly hope and believe you will be thought singular in that respect; it is not however your opinion or mine that can be the criterion of passing judgment on the parts we have respectively acted. I am on the eve of embarking for the place where all must be ultimately determined, and I go with cheerfulness to stand the decision, fully convinced that I shall carry with me documents that must infallibly render abortive the most rigorous enquiry it may be in your power to make."

Mr. Hastings would perhaps wish to pass off his letter as an instance of candour. I must be pardoned for not receiving it as such. I will, however, acknowledge that the design was masterly.

Accusations against me of as deep a dye as it was possible to commit to paper have been transmitted to England without giving me an opportunity of saying a syllable in my own vindication, and I am even now ignorant of the particulars of what has been written to my disadvantage.

The great end therefore of the last address with which I was honoured would have been answered had I been induced to have neglected the support of my reputation in England. I am sensible that the mode of attack which has been adopted would embarrass a man less conscious of the rectitude of his conduct.

It is natural for Mr. Hastings to endeavour to support his measures, but I cannot discover the propriety of his declaring himself a party to the Vizier's accusations, and I have to beg that the inferences arising from his declaration may be added to, and considered with, the circumstance mentioned in my address to you of the 30th January.

If Mr. Hastings had really wished or had been disposed to have given me an opportunity of being present at his intended enquiries, he would have entered upon them immediately on receipt of the letter of the 30th January; instead of which, though it was produced twenty-five days before the packet for the *Pacific* was closed, he thought proper to excuse himself from undertaking them till after my departure.

It is very remarkable that although Mr. Hastings complains that a period was not put to the war somewhat earlier, yet he has not been able to condescend upon any public disadvantage that arose from the measures which were followed. Indeed it is impossible he should. Where then is the cause of complaint? Is it that I conducted and terminated a war speedily and successfully? Or do we trace the source of it in the following notable passage?

"I cannot suppose that you mean the reasoning which you have at present adopted on this subject as a reproach to the Board for having formed a design which by your argument must defeat itself, even with all the success that can attend it; *but it is astonishing that this consideration should have escaped you,* since by the frequent reiteration of this argument you have undoubtedly been casting the severest reflections on the measures of Government *which right or wrong we must now maintain.*"

Letter from the Governor, 17th June

The last request made of me, when I went upon the expedition, was that I should correspond freely; and not conceal a sentiment; yet it appears that in doing myself the honor of giving compliance to this request, I was so unfortunate to disoblige by a difference in opinion. My disposition and principles did not prove flexible enough—hence the violent attack which has been made upon me; hence, it is manifest, proceeds every exertion of management that can be devised—"*The measures of Government right or wrong we must now maintain.*"

Mr. Hastings is pleased to forget himself when he talks of enquiring into my conduct respecting the operations in the field. I so totally differ from the opinion he professes regarding the justification which I have offered of my conduct, that I am humbly confident it is unnecessary to add anything further in support of it; but as the writings before you are voluminous, and as the Governor-General has been pleased to point particularly at the operation towards the latter end of the war, I shall take the liberty of justifying myself, not only under his own authority, but also under that of the whole Administration.

"We judge it necessary for your more particular guidance in the general line of your operations to give you the following instructions, *trusting the particular conduct in the field to your military skill and capacity.*"

Late Board's instructions, 1st paragraph

"*The military conduct of the expedition is entirely left with you,*" *&c.*

Late Board's instructions, 6th paragraph.

"We have only on this occasion to express our sincere satisfaction at the decisive advantage gained over the Rohillahs, *which we ascribed entirely to your good conduct, &c.*"

Letter from the Select Committee, 9th May.

"We cannot on this occasion neglect expressing as early as possible the great satisfaction we received in the news, *and the high sense we entertain of your abilities and conduct, both in the operations which preceded and in the action itself.*"

Letter from the Board, 9th May, congratulatory on the victory.

"We are happy to find *that your resolution and military skill* were so well seconded by the valour of the troops," &c.

"I am happy in the prospect it affords of future success, and allow me, my good friend, to say that I feel an equal pleasure in the opportunity which has been afforded you of *displaying your abilities and of acquiring an importance at a period in which your merits appear to have been so much neglected at home.*"

Letter from Mr. Hastings, 6th May.

"It is from the fulness of my heart I declare to you that none of your warmest friends will rejoice more at any accession to your reputation or would readier contribute to furnish you with the means of it. On this occasion I cannot omit to take notice of the sensible and humane counsel which you gave to the Vizier on the orders issued by him for laying waste the Rohilla country—a measure which would have reflected equal dishonor on our arms and reproach on his authority had it been continued."

I cannot help again repeating that the Hon'ble Governor, owing, we may presume, to his "multiplicity and load of business" must have forgot himself when he addressed me with his favor of the 17th.

"I have *again* written to the Vizier on the subject of the *immediate* payment of the forty lacks, &c., but if he persists in refusing the claim, it will then be proper for you to insist upon his fulfilling the agreement: an acknowledgment that the forty lacks are *now* due, and an assurance of the payment, you *must* obtain from the Vizier".

Letter from the Governor, 16th July, received 7th August

"I repeat my congratulations to you on the consequences of your victory, *which has completely reduced the Rohillah country and fully accomplished the service proposed by the Administration in their adoption of this enterprise.*"

Letter from the Governor, 25th May.

"Zabita Cawn being personally secured by the Vizier, I consider his country as equally subdued with the rest of the Rohillah dominions."

I should be glad to know therefore what further business we had to concern ourselves with the Rohillah war? And that, too, without stipulating any additional advantage to the Company.

Mr. Hastings is pleased to find fault with me because I thought it most advisable to bring the enemy to subjection by blockade.

He would, perhaps, have attacked them, but he has not done me the favor of demonstrating how I should have exculpated myself if I had unnecessarily, *without the prospect of reaping the smallest advantage to the Company*, hurried the army to destruction or even put it in the power of chance.

I have already given such reasons as will, I am hopeful, perfectly satisfy every unprejudiced person, who is a proper judge of military operations, that my conduct was such as became an officer of long service and experience, and independent of the established custom of every nation, independent of the absolute necessity that every Commander-in-Chief should act according to the best of his judgement, I will prove from other respectable authority, to which I beg Mr. Hastings may be pleased to pay due regard, that I was the sole and only judge of the measures to be pursued in the field.

Letter from the Governor, 11th July.

"The power which was expressly given to you in your first instructions for conducting the operations in the field *fully authorised your conduct in engaging or declining to engage the enemy, under what circumstances you approved or disapproved.*"

If these authorities, and the powers inseparable from the station of every General at the head of an army on actual service, do not fully and amply justify my conduct, I know not what can be a sufficient authority for the guidance of any Commander-in-Chief. But, gentlemen, I have to request you may be pleased to remember that but for the late Vizier's treachery in remaining behind, with between twenty and thirty thousand horse, besides the Burrak Fultan, consisting of about five thousand men, and 6 or 7 battalions of sepoys, with a large train of his best artillery, the war would have infallibly been finished on the 23rd of April, since it was morally impossible that Fyzulla Cawn and the other Chiefs could have escaped had the Vizier's cavalry, and the whole of his infantry, been up to have done their duty.

His Excellency promised to be in the action with all his army, as appears by the accompanying extract of my interpreter's journal; and the viranda of his houder was agreed to be the mark by which I should distinguish him, in order to convey my advices to His Excellency in the course of the engagement.

Yet not only did he, with an army of more than treble the number of all the troops we had in battle, remain in the rear of the ground from which we decamped to engage; but even a part of his troops, who were in the field of action, refused to do their duty; and we had proof, three days before, of the dastardly behaviour of some of his chosen horse. After such conviction that neither His Excellency nor his troops were to be trusted to, or depended on, it cannot be wondered that I had little or no reliance upon them, and that I became cautious of embarking with them in any dangerous undertaking, without an indispensable necessity.

In case any further lights on these subjects, or regarding the treatment of the Rohilla prisoners of distinction, should be thought necessary, I have committed some questions to writing on a separate paper herewith enclosed; and I desire they may be put to the several gentlemen therein named, if you shall so think proper.

Captain Wroe was witness of an affecting scene in the house of the Nabob Mabullah Cawn, of which he gave me a particular account upon honour; but the paper has been mislaid. However, as he is now at the Presidency, you can, if you please, avail yourself of his information.

That gentleman, with another officer, happening to pass through Bissouly soon after our arrival near that town, he was descried by the Nabob Mabulla

Cawn, and invited into his house. He can acquaint you with the deplorable situation in which he saw that family.

Thus much may be observed, that I believe he is the first European, or perhaps the first man of any nation, that ever was invited by a Musselman Prince or Chief into his zennana. He will inform you how the miserable women threw themselves prostrate at his feet, and grasped his boots, supplicating protection to their honor.

The Nabob and the unhappy women entreated that he, and the officer who was with them, would take charge of some jewels and money in order to afford them relief in the event which they foresaw, and which has since happened, of their being in want of the necessaries of life.

Captain Wroe's humanity prompted him to receive, for that purpose, a small quantity of gold ornaments belonging to the women, of which having personally informed me, I requested he would give them up, that they might be presented to the Vizier, who, from the story of the palanquin, elsewhere related, I knew would make use of this circumstance in declaiming against and degrading the honor of English officers.

Captain Wroe acquiesced in my desire: the articles which he had received from Mabullah Cawn were delivered to the Vizier, in the presence of Lieutenant Roberts, my interpreter, and His Excellency descended to accept of them.

I have introduced this circumstance in order to prepare you for another which must greatly astonish you. It is this: a member of the late Administration, who, if report speaks truth, is extremely industrious in his lucubrations regarding the late war, advised Captain Wroe to prosecute me for the value of these gold ornaments, observing that, *though he was Colonel Champion's friend and wished him well*, yet he could not help thinking there was a great hardship in Captain Wroe's being deprived of these *valuables*, and that he thought it very proper and justifiable that he should avail himself of the assistance of the law to obtain redress.

Captain Wroe knew that as an officer the consequence would be the forfeiture of his commission, but besides that consideration he was too much of a gentleman to listen to such insidious advice.

It had been much to the credit of a certain officer of high rank that he had been equally watchful of his reputation. The advice given to Captain Wroe shows the spirit of the times; it will account for the behaviour of the other officer, and convinces me how happy it is for me that I have been uniform in my conduct, and that truth and honour have been its basis.

Supported by these, I have much pleasure in committing my defence to the candour of the Administration, and I firmly rely on their justice to prevent any advantage being taken of my absence.

I cannot however take my leave without bringing the following paragraph under review:—

Letter from the late Administration, 9th May

"So decisive an instance of the superiority of the Company's arms cannot fail of reviving in all its force the reputation they formerly acquired in Hindustan and which ten years of peace had doubtless, in some degree, weakened in the minds of the Princes of the country.

"We are happy to find your resolution and military skill were so well seconded by the valour and discipline of the troops, and while we desire you may receive personally the thanks of the Board for the *signal service* you have on this occasion performed, we request you may in the like manner convey to the officers, soldiers, and sepoys our sense of their behaviour, &c.

"We are also exceedingly happy to learn from the communications which the President has made to us that you have in the whole course of the campaign been so attentive to maintain the strictest order and discipline among the troops, and that you from the beginning opposed, and at last obtained a stop to

be put to, the devastation of the Rohilla country by the army of the Vizier—a mistaken policy altogether incompatible with the design of the war, and repugnant to humanity, and we have a sensible pleasure in testifying our entire approbation of your conduct in this respect. Your preserving such steady order and discipline on entering the Rohilla camp after victory equally merits our applause," &c.*

* See also letter from the Select Committee of the same date, and one from the Governor of the 6th May, already quoted.

Letter from the Governor, dated the 21st May.

"The victory you have obtained and its consequences to the Company have appeared to me of such importance that I have sent accounts of them by an express to the Court of Directors, *as well by the earliest advice to claim that attention to your merit which this increase of your reputation will demand*, as to give information of the success and advantages of this measure of the present Administration."

Letter from the Board, 3rd June.

"And we rely on your conduct and firmness and that subordination and strict discipline *which experience has taught us it has always been your pride to maintain, &c., &c.*"

Letter from the Select Committee, 8th September, received 30th.

"We have had the pleasure to receive your letter dated the 17th ultimo, and we congratulate you upon the entire reduction of the Rohilla country to the Vizier's government, *which we consider as effected by the surrender of Pattergur*, and the inextricable distress to which the Rohilla army is reduced. Our satisfaction is increased on this occasion by the Vizier's intention of terminating the war in the manner you mention by an accommodation with the Rohillas, which must be easily settled in their distressful situation, *and we hope His Excellency will be disposed to conciliate their affections to his Government by acceding to lenient terms.*

"*The service being completed* wherein the brigade was engaged, under your command, a repetition of our thanks is due to you and the troops who effected it, which we request you to accept and make known to them."

After such warm commendations of the late Administration, after such repeated testimonies of their hearty approbation of my conduct, it would have been highly satisfactory to me, gentlemen, that I had been also honoured with some mark of yours, and I still flatter myself with receiving it at some future period.

The rank which I had the honour to hold, the reputation with which I had the good fortune to serve the Company for many years, gave me reason to hope at least for an acknowledgment of the letter of resignation which I had the honour of addressing to you, more especially as it covered some papers of consequence.

The only intimation given to me of the receipt of it, though it was approved of by the Hon'ble the Governor-General before it was presented, came accidentally through the Fort Adjutant, to whom the Governor was pleased to transmit the minute or resolution of Council to be issued in orders, which was accordingly done without any previous communication to me.

This much I thought it necessary to trouble you with, in consequence of the Governor-General's letter to me of the 17th past; and I have only to add my request that you will be pleased to order the copy with which you have promised to furnish me of the proceedings of the late Administration regarding my conduct in the Rohilla war to be delivered to Mr. Henry Grant, my attorney, under a sealed cover.

I have, &c.,

INGLEE ROAD,
ON BOARD THE "PACIFIC";
The 2nd March 1775.

A. CHAMPION.

Extract Persian Interpreter's Journal, 22nd April 1774.

The Vizier waited on the Colonel early. The Colonel desired he would order all his cavalry to wear a small bough in their turbans to distinguish them

from the enemy—the Colonel shewed him a plan for the march next day as follows:—1st—All the English troops in a column on the right. Bussunt's battalions in a similar column on the left, his other battalions to follow equally in the rear of us, and Bussunt's to the Nejib and Burruck battalions equally divided on the right and left flanks, and the horse to bring up the rear, covering the whole of it. This he agreed to and went home.

The brigade, &c., marched, fought and conquered the Rohillah army near Kutterah Fort.

23rd April.

After the action the Vizier, who had remained on the bank of the nullah that we marched from till the success of the day was known, came to the Colonel's tent bringing with him the head of Haffiz, which he expressed a good deal of pleasure of having in his possession.

A. CHAMPION.

Secret Dept., Fort William, the 30th March 1775.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 24th instant.

Debates on ditto.

GENERAL CLAVERING.—The Governor-General having made an objection to bringing persons before the Board who may produce complaints or accusations against any Member of the Board, to be examined on the truth of their allegations, I desire that the 35th Article of the Company's instructions be now read and the sense of the Board taken thereupon.

Read the 35th Article of the Instructions from the Court of Directors, dated 29th March 1774

Mr. Francis delivers his opinion as follows:—I conceive that the general duty by which I am bound on oath to the service of the Company would of itself oblige me to pursue the conduct recommended to me in the above article, and that, under this specific instruction, I cannot, without a palpable breach of my duty, and being liable to the consequences of disobeying my instructions, refuse to hear any persons who may bring charges against any member of this Board, in which the interest of the Company may be concerned, provided the parties voluntarily take upon themselves to make good their charges, and give them in under their respective seals or signatures.

MR. BARWELL.—I would not willingly give a hasty opinion on any instructions from the Company. The object of this seems particularly directed to insure the public interests. Whether these intentions can in any respect be promoted by the promiscuous introduction of complaint that do not even remotely affect the advantage of the Company will be judged by the Directors. The whole time and attention of this Board given solely to the affairs of the Government would be found hardly equal to the arduous task. It is rendered now far less so, by multiplying matters that can be of no consequence to the public. If there is any investigation from which at any time the Company may benefit, I shall most heartily concur in it; but I will neither encourage nor be the channel of aspersing any character, while it cannot conduce to the good of Government.

Colonel Monson.—I think it consistent with that duty I owe to the Company under the above-mentioned instruction to receive such complaints as may come voluntarily before me against any of the Members of the Administration, provided the parties at the time undertake to make good the charges exhibited in their petitions, and to record the same for the Company's information.

General Clavering.—I conceive that the intention of the Court of Directors in forming this article was grounded on the complaints that had been carried to England of the abuses reported to have been committed by the former Governments in Bengal, and to enable the new Council lately appointed by the Legislature to carry its ordinances into effect. Upon these grounds I think I should be wanting, the legislature and to the Court of Directors, if I were not to receive the complaints of the inhabitants when properly authenticated, and to prefer them to the Board for investigation, as the only means by which those grievances can be redressed, and the Company informed of the conduct of their servants.

The Governor-General —I see no occasion for the question, nor understand the terms of it. It appears to me, from what I have heard to be the intention of the gentlemen forming the majority of the Board now, to postpone all other business for the purpose of making me the sole object of their personal attacks. They have taken their line and they may pursue it. I shall have other remarks to make upon this transaction; but as they will be equally applicable to many others, which in the course of this business are likely to be brought before the Board, I shall say no more on the subject.

General Clavering desires that the Governor-General will be pleased to name a day for the appointment of Meer Zein-ul-ab-Deen to appear before the Board to authenticate the facts stated in his petition.

The Governor-General.—My sentiments upon this subject are so well known that I am sorry to be again compelled to repeat them. I will not name a day for the appointment of Meer Zein-ul-ab-Deen to appear before the Board, neither will I suffer him to appear before the Board.

General Clavering further moves that the opinion of the Board be taken whether the Governor-General's refusal to appoint a day for the bringing a person before the Board who has made a complaint either against himself or any other Member of it does not tend to frustrate the intentions of the Court of Directors in our carrying into execution the above-mentioned 35th article of their instructions.

Mr. Francis.—I think the Governor-General's conduct in this and other similar instances has the tendency described in the question, and I must beg leave to add that supposing it to be agreed among ourselves that the Board shall not hear any charges or complaints against any members of it, a case or cases may hereafter happen in which, by a reciprocal complaisance to each other, our respective misconduct may be effectually screened from enquiry or censure, and the Company, whose interests may be concerned, or the parties who may have reason to complain of any one Member individually, may be left without remedy.

Mr. Barwell.—I do not think it does, though it may in some little degree preserve the Governor-General from personal insult. Where there is no judicial power lodged, that of inquisition can never answer any good purpose. It is subject to every species of abuse, and falsehoods may with as much facility be made to carry the air of truth as any self-evident fact. From the nature of the constitution of this country and from the temper of the people they will pay their court, and in a manner which they conceived to be the most agreeable, to the power which they imagine is capable of promoting their designs. Subordination is too common and frequent in Bengal, and a trifling hint that a native's prospects in life may be advanced by charging with crimes such as are disagreable to the patrons they look up to, they will make little difficulty or scruple in doing it. How much more so they may be encouraged by any absolute measures of the Board, seeking a kind of solicitude in hearing and listening to complaints, is not difficult to point out. I have said before that I did not think the Governor-General's denial could frustrate the intentions of the Court of Directors, because there is a tribunal and a legal one to which

all the natives may apply, and on any very extraordinary occasion it rests with any Member of the Board to inform himself of the circumstances of a fact coming to his knowledge, and he may bring it with the lights he has received to the Council, otherwise the interruption to public business will be so great and frequent that it will be impossible to discharge the duties of the Government.

COLONEL MONSON.—The Governor-General's declaration precludes us from giving the Court of Directors that information which they require from us by the 35th Article of their instructions.

GENERAL CLAVERING.—I conceive that the preventing a man appearing at the Board to prove the allegations in his petition is in the first place a denial of that justice which we owe to the Court of Directors, and would deprive the Governor-General of the means of proving his own innocency. I have been told a story—whether the fact be true or false I know not—that when Mr. Benion, Governor of Madras, was accused of having taken a bribe of 1,000 pagodas, he desired that a Bible might be given to enable him, wherewith to purge his conscience. If the Governor-General should think proper to take the same method of purging his own from this accusation, or from any of the others which have appeared against him specifically, I will be very ready on my part to give my voice for the complaint being dismissed.

THE GOVERNOR-GENERAL.—The question by the terms of it makes it unnecessary for me to reply to it, and therefore I shall make no reply.

General Clavering proposes that Meer Zein-ul-Abdeen be required to attend at the Board of Revenue tomorrow.

Mr. Francis agrees to the motion.

MR. BARWELL.—I think it may be an interruption to the business of the Government, and I am therefore against the motion.

COLONEL MONSON.—I agree to the motion.

GENERAL CLAVERING.—I am for it of course, having proposed it.

THE GOVERNOR-GENERAL.—I object to the motion.

Resolved that Meer Zein-ul-Abdeen be required to attend the Board tomorrow in the Revenue Department.

Meer Zein-ul-Abdeen to attend the Board of Revenue.

Secret Dept., Monday.

Fort William, the 3rd April 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 30th ultimo.

The Governor-General delivers in the following minute, and requests that one copy may be sent in cypher with the letter written on the subject to go overland to the Court of Directors, and that another copy may be sent, with a duplicate of that letter, by the *Anson*.

The Governor's minute on his power to dissolve the Council.

The gentlemen of the majority having set forth in a minute dated the 20th instant that "I have repeatedly claimed and endeavoured to exercise a power of dissolving this Council in its several departments, and that I have repeatedly and publicly declared my opinion that any acts done by the majority of the Council in my absence (when I had quitted the chair in opposition to the sense of the majority) were not the acts of the Board, nor legal, and having requested that I will communicate to them the arguments which induce me to think such opinions and such conduct are conformable to the Act of Parliament which constitutes the present Government."

I think it proper in the first place to inform them, that my opinions and conduct, and the arguments on which I ground my support of both, stand already recorded and fully stated in the minutes of Consultation of the Public Department, dated the 13th instant, and in those of the Revenue Department, dated the 14th instant.

For the further information of my superiors, I shall next relate the grounds on which this question arose, and proceed to assign my reasons, at large, in support of my part of it.

On the 10th instant a packet containing an English address to the Board from the Ranny of Burdwan, with sundry accounts in the same language, and a copy of the former in the Persian tongue, was brought to the Council of Revenue by a servant of Mr. Joseph Fowke, the Agent of General Clavering.

In these papers a formal charge was produced against me, of having received, in the month of May or June 1773, a present from Bridjoo Kissore Roy, the Dewan of the Rajah of Burdwan, amounting to 15,000 rupees.

On the 11th instant, Mr. Francis delivered to the Board a sealed letter from Rajah Nundcomar containing a specific charge against me of having, in September 1772, received a present from Munny Begum of 3,51,105 rupees, and other charges of indefinite sums, received by me as presents, from sundry other persons to the apparent amount of many millions of rupees.

On the 13th instant, a motion was made by Colonel Monson, and supported by General Clavering and Mr. Francis, that Rajah Nundcomar should be called before the Board, and required to produce the proofs of his allegations.

To this I strongly objected, declaring that I looked upon the members of the majority themselves as my censors; that they were therefore unfit to sit in judgment upon me; that I would not suffer the dignity of the first Magistrate of this Government to be debased, by sitting to be arraigned as a criminal at the Council Board, of which he was the President, by a man of a character so notoriously infamous as that of Rajah Nundcomar; and that I disclaimed their right in any respect to erect themselves into a tribunal to judge my conduct: that I had no objection and would consent to their forming themselves into a committee for the purpose of obtaining such information as they required, but would not suffer them to bring such a business before the Board. They persisted in their purpose, and I declared the meeting dissolved. I accordingly departed. Mr. Barwell did the same. The other members paid no regard to my declaration, but continued to sit.

The next day, being the 14th, the Council being assembled in the Revenue Department, a like motion with that of the preceding day was made by General Clavering that Bridjoo Kissore Roy and Roopnarain Chowdry, who was the principal agent in the accusation preferred by the Ranny of Burdwan, should be called before the Board for the like purpose of enquiring into those accusations. I objected in like manner, and repeated my proposition that a committee should be formed for these enquiries, but without effect. I again declared the meeting dissolved and left them. Mr. Barwell did the same.

On the 17th a Council was summoned at their request for special purposes expressed in their requisition I met them. Mr. Barwell did not attend. Instead of proceeding to the business for which they had been expressly assembled, a motion was immediately made by General Clavering and supported by the other members, that Cantoo Baboo and Kishen Chatterji, my principal servants, should be called before them for the purposes of questioning them concerning a supposed contempt shewn to the authority of the Board in having refused to obey the like summons sent to them by the majority in their preceding meetings, held after my declaration of their dissolution, and of supporting the authority of the Board. As I had cause from the terms of the motion, from the violence of their former proceedings, and from their refusal to give me the assurance, which I demanded of them, of the personal safety of my servants, if they appeared before them, to apprehend some disgraceful treatment of these men, which in the eyes of the people of this country would have been equal to the greatest personal indignity offered to myself, I, after repeated remonstrances, again proceeded to the last but ineffectual resource which was left me, and a third time declared them dissolved.

How far I was justified in my suspicion of the violence which might be intended to be offered to the persons of my servants will best appear from a motion which was actually made by General Clavering at the public Council Board on the 20th instant, to inflict a punishment on my servant Cantoo Baboo, to which none but the meanest of the people are ever sentenced—that he should be put into the common stocks.

I have been thus particular in the detail of the transactions which gave rise to the question now before the Board, because, in whatever way it may hereafter be determined by those who are to be the judges of it, nothing can so effectually justify my conduct in proceeding to such apparent extremities (for in effect they are rather declarations of a right than the exercise of a power), as the violence of those who compelled me to it.

I shall now proceed to the question itself, which I shall take the liberty to repeat in words more applicable to the subject in debate.

I am called upon to communicate to the Board the arguments by which I support my claim to dissolve the meetings of the Council, and my opinion that the acts done by the majority of the Board, after such a dissolution, are illegal; and why I think such a claim, and such an opinion, conformable to the Act of Parliament which constitutes the present Government.

I answer that my claim and opinion are grounded on reason and the immemorial usage of the late Presidency, approved by the Court of Directors, and passed into a positive law by the Act of Parliament.

The power of summoning and dissolving the Council must exist somewhere. It is reasonable that it should exist in the first and executive member of it. The members of the Council do not possess any authority as such, but when they are assembled. They cannot therefore assemble themselves, because that would be to exercise an act of authority. The Governor only, therefore, has the power of assembling them. It is equally reasonable that the same power should dissolve them. If this privilege rested only with the collective body of the Council, and the President had no authority to dissolve them, a prevailing faction in the Council would always have it in their power to steal in, or obtrude business on the Board, for which the other members were unprepared, and to impose such insult and indignities upon their President as he could not otherwise avert, than by an instant resignation of his office, and of the service—a case necessary to be strongly guarded against, as the temptations to force him to such a resignation are powerful in a body whose number is small, and whose succession to the first post in the Government is immutably fixed.

Our hon'ble employers have an undoubted right to the assistance and advice of every Member of the Board. This they cannot have, unless each Member has an opportunity of considering and deliberating on each question, before it passes into an act of the Board. Such an opportunity cannot be ascertained to them without the existence of this power.

The business to be discussed at each meeting of the Board (except the current business, which is always supposed to be the first in course of dispatch) ought to be specified in the summons by which the Council is convened, and without the consent of each individual Member, business not specified in the summons, cannot legally be entered upon. But if a majority, notwithstanding the reasonableness of the objection, will persist to go through with such business, the only means of preventing illegal acts from assuming the sanction of the Board is, that the Governor-General as President of the assembly, shall dissolve the meeting. This power, as he apprehends, is no more than what is incidental to, and universally exercised by, the Mayor or other President of every Corporation in England.

That this right founded in reason has been supported by the immemorial usage of the former Presidency, and of all the Presidencies established by the Hon'ble Company to this day, I appeal to the Consultations of this and the other Presidencies. I appeal to the Court of Directors whether they have not ever understood this to be the rule, that the Presidents have universally the right of summoning the Councils is not disputed, that they alone have that power, and that they have a power of dissolving the Councils is equally certain; if there never yet was an instance of any Councils being either assembled or

of their meeting continued in opposition to the authority of the President. I firmly believe that no such instance did ever occur. If such ever did in this Government since the time in which I have been acquainted with the service, that is, since the year 1749, it may be easily traced in the records which are in the possession of the Hon'ble Court of Directors, and I am willing to trust to the issue of such a search as decisive of the question.

That the power which I have described has been confirmed by the Court of Directors I appeal to the general instructions of the Hon'ble Company, written with a knowledge of the exercise of such a power, and not forbidding it.

The right being reasonable and having existed in, and been exercised by, the President of this settlement, has it been abrogated by the Act of Parliament? No; it has in express words been confirmed. The first clause of the Act produced by the gentlemen of the majority, though with an attempt to explain it away, is direct in point to prove it, *viz.*:—

"The whole civil and military government of the said Presidency, &c., shall, during such time as the territorial acquisitions and revenues shall remain in the possession of the said united Company, be, and are hereby vested in the said Governor-General and Council of the said Presidency of Fort William in Bengal, in like manner, to all intents and purposes, whatsoever as the same now are, or at any time heretofore might have been exercised by the President and Council or Select Committee, in the said Kingdoms."

The powers are given, in like manner to all intents and purposes, as the same now are, or, at any time heretofore, might have been exercised by the President and Council, or Select Committee. Such a power was heretofore exercised by the President. It follows, *reddendo singula singulis*, that it may be exercised by the Governor-General, who is substituted in his place. I am at a loss to find out why this clause seems to the gentlemen of the majority only to fix and ascertain the extent of the powers, when the words plainly and expressly apply both to the extent, and the mode of exercising them. Their construction is forced and unnatural. Had the legislature meant to confine it to the extent only, they would have used fewer words, and by that means have conveyed their meaning more clearly, instead of "in like manner, as the same now are, or heretofore might have been exercised." They would have left out "in like manner," which plainly refer to the mode of exercising, and have simply vested such powers in the Governor-General and Council as were vested in the President and Council. They have not been contented with vesting the Governor-General and Council with the powers, but have vested them in like manner as they were heretofore exercised.

I understand it to be a rule of construction amongst lawyers that in all Acts of Parliament or Grants, every word, if it can consistently with the general tenor of the Act or grant, should have an effect given to it, and, if possible, that no words should be rejected. By my construction the clear and obvious effect of all the words is given to them, consistently with the Act. By the other, the words "in like manner," which are operative, are totally rejected.

It is by no means true, as is asserted, that "our constitution in India has been wholly new modelled." The substantial operation of the Act on the constitution has only been to annihilate the President and Council appointed by the authority of the Hon'ble Company, and to erect, by its own authority, a new one, limited to a less number of members in its stead; to give that number a greater permanency in their offices, and to fix a certain succession to the chief office of the Government. The very same powers and no others, as far as they relate to the Government of this settlement, are vested in them as were vested in the President and Council and Select Committee, and the mode of exercising them is enacted to be the same. They still remain servants of the Hon'ble Company and are required "to pay due obedience to all such orders as they shall receive from the Court of Directors."

The Hon'ble Company have considered the constitution no further altered, as is evident from the 39th article of the instructions, in which they treat the new as a continuation of the old, and clearly intend that the Government

should be administered as formerly. They expressly direct that the Governor-General and Council shall strictly attend, not only to the standing orders of the Company communicated to their Presidency of Fort William, but to all such orders and instructions as the Court of Directors have transmitted to the Governor and Council, or the Select Committee. Had they simply not altered their former orders and instructions, I apprehend those orders and instructions would have been the proper rules of action for the Governor-General and Council.

The other clause in the Act cited by the same gentlemen does not in my opinion apply to the question, "that in all cases whatsoever, wherein any difference of opinion shall arise upon any question proposed in any consultation, the said Governor-General and Council shall be bound and concluded by the opinion and decision of the major part of those present." This is no more than would have been implied had it not been expressed. It is the law of all assemblies, except there is an express provision to the contrary, and no argument can be drawn from the legislature simply expressing that which would have been implied. The reason for introducing it seems to be to give the casting voice. "All cases" must mean all cases properly before the Board, and which they have a right of deciding upon. It cannot apply to a question concerning the manner of exercising the powers, the Act having before determined that point that it shall be "in like manner to all intents and purposes whatsoever, as the same at the time of passing the Act were, or might have been exercised by the President and Council, or the Select Committee.

It can give them no right to change the constitution of the Council of which the power of dissolving is by the Act made a part. The words construed in the sense of the gentlemen of the majority, would give a power to the majority of excluding the Governor-General, or any Member of the Council, from their debates, and even from the service.

If I have proved my right to dissolve the assembly, it follows of course that after a dissolution of it by me, the remaining Members are no Board, and consequently such acts done by them, as require the authority of the Board, are illegal.

The case put of the Governor-General alone, or with one member continuing to sit after the majority, shall be of opinion that the Council should be dissolved, does not stand on the same reasons as my claim of dissolving it. I am not apprised of any usage concerning it, and therefore do not know that it has been confirmed by the Act. Such a claim might possibly be considered as an attempt to vest in myself those powers, which I think illegally claimed and injuriously exercised by the majority, of compelling the Members to hasty decisions on matters they have not been permitted to consider. But the inconvenience would not be dangerous, for it would be in the power of the majority, who voted for the dissolution, by continuing to overrule the minority. My claim is to prevent illegal acts, not to enforce them.

What the gentlemen of the majority have been pleased to advance concerning the Governor-General dissolving the Council when any business may come before it which he shall not approve, and by that means stopping all public business, is an argument drawn from the possible abuse of the power, not the legal exercise of it. There are no powers which may not be abused, but that is no argument against the existence, or propriety of the power. The abuse of the power is illegal.

I had not in contemplation the powers of the Governors of the American Colonies when I asserted this claim. I agree there is no analogy between those constitutions and this. The gentlemen might therefore have spared themselves the trouble of supposing arguments for the purpose of confuting them, as they were never insisted on, or thought of by me.

I am not apprised of any instructions sent out by the Court of Directors tending directly or indirectly to counteract the late Statute, and think it as unbecoming as unnecessary to enter into a discussion before the cases happen in what instances obedience is, and in what not, to be paid to my Hon'ble Masters. I have the same guide for my conduct since the Act of Parliament as I had before, implicitly to obey all their lawful commands. I have not

received, nor will presume I shall receive, orders which it may be necessary for me to dispute. I do not see why the gentlemen have introduced this into their minute, except their diligence has found out, that the right of dissolving the Council by the former Presidents has its foundation in positive instructions from the Hon'ble Court of Directors, which I think highly probable, though I have not time to investigate it, or because they expect, from the justness or necessity of the claim, to receive instructions positively confirming it, and mean, by imposing such constructions as they think fit upon the Act, to give notice of their intention to disobey them.

That I have been placed at the head of the new Administration I shall ever esteem the highest honour, as it implies national approbation of my conduct. I am told that the name of Governor-General is a mere empty sound, yet I esteem it a title intended by the legislature to give additional dignity to my station, and cannot be persuaded that the Parliament at the instant in which they approved my conduct and dignified my station, if they did not mean to enlarge, intended to abridge, those powers which my predecessors had enjoyed, which I was then actually in possession of, and which at this day are exercised by all the Presidents in the settlements belonging to the Hon'ble Company.

I have never asserted that my presence is on all occasions necessary to constitute a Council. If by absence from the Presidency, by sickness, or any other unavoidable cause, I shall be unable myself to attend, I will, as has heretofore been the practice, either give notice of it to the Council assembled by my orders, and the eldest member present will of course take my place; and in the case of my leaving the Presidency it has been the rule to delegate my office, in form, to the next in succession, on whom all the rights of the President devolve of course.

WARREN HASTINGS.

Ordered that a copy be prepared in cypher to go overland, and that another copy be transmitted by the *Anson* conformably to the Governor's desire.

Fort William, 6th April 1775.

General Clavering, Colonel Monson, and Mr. Francis deliver in to the Board the following minute in consequence of that given in by the Governor-General at the last Council, and desire that copies of it may accompany his by the *Anson* and in cypher overland :—

Fort William, *4th April 1775.*

General Clavering, Colonel Monson, and Mr. Francis' minute on the Governor's power to dissolve the Board.

Minute from General Clavering, Colonel Monson, and Mr. Francis.

In laying before the Board our reasons for thinking that the right claimed and power exercised by the Governor-General of dissolving the Board at his pleasure, and against the declared sense of the majority, was illegal, we considered the difference between us strictly as a question of positive right, and avoided entering into any narrative or other matter not immediately necessary for the determination of it. We, therefore, object to that part of the Governor-General's minute on this subject, in which he departs from the question of right, and enters generally into a state of those proceedings on both sides, which, in his opinion, justify his resolving to exercise the right now in dispute. Supposing our conduct to have been blameable in any degree whatsoever, it will not convey a power to the Governor-General which the law has not allowed him ; nor should, in point of regularity, the Governor-General's strictures upon it be introduced into the present argument.

It appears to us that the opinion maintained by the Governor-General amounts to this conclusion that the members of this Council have only a deliberative voice on such matters, or points of business, as shall be laid before us by him, and that if we enter upon any other business which he may deem offensive to himself, or otherwise irregular, he may immediately dismiss us.

If this construction of the Act of Parliament shall appear to be well-founded the Council then becomes merely a Board of reference, and the Governor-General in effect is absolute.

With respect to the Governor-General's representation of our conduct, we flatter ourselves that the Hon'ble Court of Directors will not suffer their judgment to be influenced against us until they see the whole state of our Proceedings as they are recorded in the Consultations sent home by the *Anson.*

JOHN CLAVERING.

GEORGE MONSON.

PHILIP FRANCIS.

Ordered that copies be prepared and transmitted by the *Anson* and overland to the Court of Directors.

Secret Dept. Fort William, 20th April 1775.

Thursday. AT A COUNCIL, PRESENT:

LIEUTENANT-GENERAL JOHN CLAVERING, *President,*
The HON'BLE GEORGE MONSON, and
PHILIP FRANCIS, Esq.

Governor-General can't attend. General Clavering President.

GENERAL CLAVERING lays before the Board the following letter which he has received from the Governor-General and in consequence takes the Chair.

SIR,—Having been required to give my attendance at a Meeting of the Justices at the house of Sir Elijah Impey, I am afraid I shall be prevented from assisting at the Council Board. I am therefore under the necessity of requesting that you will be so good as to take my place, and direct the despatch of such business as may require it.

I have, &c.,

THURSDAY MORNING.

WARREN HASTINGS.

Read and approved the Consultation of the 17th instant.

MR. JOSEPH FOWKE sends in the following letter:—

Mr. Joseph Fowke, accused of a conspiracy, desires papers.

To the HON'BLE WARREN HASTINGS, Governor-General, &c., Supreme Council of Fort William.

HON'BLE SIR AND SIRS,—As I have now a charge of a conspiracy against me and my son Francis, I am to intreat the favour of you to deliver to me by a proper person, for that purpose, the original and translation of a paper delivered into Consultation on the 13th December last by Cumal-ud-Deen Cawn with the original and a translation of two other papers, accompanied by a letter from me, dated 18th instant.

I am with duty and submission, &c.

CALCUTTA,
The 20th April 1775.
SIR ELIJAH IMPEY'S HOUSE.

JOSEPH FOWKE.

The Assistant Secretary acquaints the Board that a man has just brought him the following paper:—

Paper delivered into Consultation, 13th December, by Cumal-ud-Deen Cawn, with the translation and my refutation.

Ditto—two papers delivered in by Mr. Fowke this day of Cumal-ud-Deen Cawn, original and translation, and Mr. Fowke's letter accompanying them.

We consent to the delivery of the above papers, which Mr. Fowke has desired may be produced before the judges.

WARREN HASTINGS.

RICHARD BARWELL.

Ordered that the Secretary to the Board of Revenue do immediately take with him to Mr. Fowke at the house of Sir Elijah Impey the original and translation of the paper delivered into the Council of Revenue, in Consultation, 13th December, together with those sent to the Revenue Department this morning, by order of the Board.

Agreed that the following letter be sent to Mr. Fowke:—

Reply.

To Joseph Fowke, Esq.

Sir,—We have just received your letter, dated this day, from Sir Elijah Impey's house, and, in compliance with your request, have ordered the papers mentioned therein to be delivered to you by our Secretary, Mr. Sumner. As these papers are of very great importance to the Company's service, we have ordered the Secretary to attend you and receive them back again, as soon as they have been inspected by the Judges; if you think it necessary, you shall be furnished with authentic copies.

JOHN CLAVERING.

GEORGE MONSON.

PHILIP FRANCIS.

Persian Translator called.

Ordered the Persian Translator be called in from his office to attend immediately with the original Persian papers of Cumal-ud-Deen which were sent to him this morning for translation.

The Assistant Secretary having been in the Persian Office to call the Translator acquaints the Board that he did not meet with him there, but that he has dispatched an order to him to attend, as soon as possible, with the papers required.

Resolved that the following letter be written to the Governor-General:—

To the Governor-General

To the Hon'ble Warren Hastings, Governor-General, &c. &c.

Sir,—General Clavering having laid before the Board the letter which you did him the honour to write to him, dated this morning, in which you inform him that you had been required to give your attendance at a meeting of the Justices at the house of Sir Elijah Impey, and understanding from a letter we have received from Mr. Fowke, that an inquiry is now carrying on before the Justices into a conspiracy with which that gentleman and his son are charged, we think it proper to acquaint you that we mean to continue in Council until we shall be apprized of the subject and issue of that inquiry, as we conceive that a conspiracy at the investigation of which you and Mr. Barwell think fit to attend while this Council is sitting must be of great moment, if not interesting to the safety of the State. We flatter ourselves that you will be pleased to inform us, as soon as possible, of the circumstances and result of the inquiry in which you and Mr. Barwell are now engaged.

We have the honor, &c.

Council Chamber,
The 20th April 1775.

Persian Translator appears.

Sir John D'Oyly, the Acting Persian Translator to this Council, being now arrived, and called upon to account for his absence whilst the Board is sitting, he acquaints the Board that he was ordered by the Governor-General to attend elsewhere.

Question.—Where were you ordered to attend?

Answer.—I was desired to attend at Sir Elijah Impey's.

Question.—For what purpose?

Answer.—To make translations of some papers.

Question.—What papers?

Answer.—An arzee from Camal-ud-Deen Cawn to the Governor. Being asked the date, he replies, without any date that I know of.

Question.—Did you receive any summons from the Judges to attend at Sir Elijah Impey's?

Answer.—I did not.

Question.—Did you translate any other paper besides the arzee?

Answer.—No.

Question.—Did you translate the arzee at Sir Elijah's house?

Answer.—No.

Question.—When did you translate that paper?

Answer.—Yesterday.

Question.—At what hour?

Answer.—Between the hours of 12 and 6 in the afternoon.

Sir John D'Oyly being asked—

Question.—What address was upon the paper?

Answer.—He says that there was no address upon it, but that he supposes it was directed to the Governor, by the Governor's delivering it to him.

Question.—Was Camal-ud-Deen's seal upon it?

SIR JOHN D'OYLY begs leave to correct the answers which he has given to these questions. He acquaints the Board as follows: It was not an arzee from Camal-ud-Deen Cawn to the Governor; but Camal-ud-deen Cawn first of all repeated his complaint to me, which I desired him to write down in Persian, and I then translated it.

Question.—Was this done in the Governor's presence?

Answer.—No.

Question.—Where was it?

Answer.—In my own apartments at this house.

Question.—Have you been examined by the Judges at Sir Elijah's to-day?

Answer.—No, I went there to-day to ask more questions of Camal-ud-Deen Cawn.

SIR JOHN D'OYLY is now desired to withdraw.

Censured

Resolved that General Clavering be requested to signify to Sir John D'Oyly the high displeasure of the Board for neglecting to attend his duty in his office whilst the Board was sitting; that the orders of the Governor-General to him to attend elsewhere are no excuse for his neglecting to attend his business; and that this caution is given him, as the Board is determined, on the first instant of the like neglect of his duty in future, to dismiss him from his employment.

SIR JOHN D'OYLY being again called in, the above censure is accordingly signified to him by General Clavering, and he afterwards retires.

Received the following letter in reply from the Governor-General —

Governor-General's reply

To GENERAL CLAVERING, the HON'BLE GEORGE MONSON, and PHILIP FRANCIS, Esq.

GENTLEMEN,—I have been honored by the receipt of your letter dated this day.

Last night I received a letter signed by the Chief Justice and the Judges of the Supreme Court informing me that a charge had been exhibited upon oath

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before them against Messrs. Joseph and Francis Fowke, Maharaja Nundcomar and Radachurn for a conspiracy against me and others; that they had summoned the parties to appear this morning at ten o'clock at the house of Sir Elijah Impey, and requested my attendance. The like notification was also made to Mr. Barwell.

In consequence of this intimation, we have both judged it indispensably incumbent upon us to give our attendance. I am sorry that you should have thought it necessary to continue in Council until you shall be informed of the subject and issue of this enquiry, which I presume you will perceive to have no relation to the safety of the State, nor to any circumstance that requires your present attention.

I have the honor to be, &c.,
WARREN HASTINGS.

CALCUTTA;
The 20th April 1775.

Secret Dept., Saturday.

Fort William, 22nd April 1775.

AT A COUNCIL, PRESENT:

The HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
The HON'BLE GEORGE MONSON.
RICHARD BARWELL, Esq.
PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 20th instant.

The copies of the address and minutes of reference from the Governor-General, from him and Mr. Barwell, and from General Clavering, Colonel Monson, and Mr. Francis to the Court of Directors, which were sent by the *Anson*, being now returned from circulation, are recorded as follows:—

The Governor's address to the Court of Directors per *Anson*.

To the Hon'ble the Court of Directors for the affairs of the Hon'ble the United Company of Merchants of England trading to the East Indies.

HON'BLE SIRS,—I have the honour to send you a triplicate of my address of the 10th of January, a duplicate of my last, and observations on the minutes sent by the gentlemen of the majority to your Hon'ble Court with the last dispatches.

The various and accumulated attacks, which have been made upon me by my adversaries, exceed my abilities and the narrow compass of my time to repel them by that circumstantial mode of defence, which I have made use of in my former addresses.

I beg leave to recall to your attention the original points of controversy which formed the subjects of our first appeals. These were on their part a condemnation of the Rohilla war, a justification of their resolutions for the recall of the brigade, and the dismission of my Public Agent from his appointment at the Court of the Nabob Suja Dowla, and on mine a vindication of that war, and a protestation against their resolutions.

Not trusting to their strength on this ground, they shifted the scene to the Treaty of Benares, which they endeavoured to decry and I have defended.

Their next attack was on the management of your collections and finances. Those were represented as in a state of irretrievable ruin, and these exhausted, with what truth, you will judge from facts, which supersede all arguments.

On these points I have fully replied, and it rests with you to determine on the justice of their accusations and of my defence. Neither my judgment nor my conscience will allow me for a moment to fear for the issue of your decision.

To this period the contest between the majority and me were confined to subjects of a public nature, although my conduct and character, my credit at home, and my influence here, were the ultimate objects of them. Perhaps, even

these retrospections were foreign from the design of the legislature, in the constitution of this new Government, invested with such extended powers, and a charge of such vast importance to the British State. I have long ago (in my letter to the Hon'ble the Court of Directors, dated the 11th of November 1773) offered to you my opinion of their effects, at a time when it was impossible for me to foresee the present occasion for the application of it.

The first acts of the majority manifestly shew that their aim was either by continual provocations to induce me to throw up my seat, and leave them the sole uncontrolled masters of the valuable State, or by annihilating my present influence, to render me a cypher in it, and by misrepresenting the measures of my former Administration, as universally tending and even systematically calculated for the ruin of your interests, and the national honour in this country, to effect my removal by a superior and legal authority.

The ruling principle and spring of all their actions is fairly, but rather unguardedly, explained in their first letter of appeal, in the declaration that "the justification of their conduct must of necessity carry with it, and could only be supported by a strong and deliberate censure of the preceding Administration." I have admitted the truth of this proposition in the application of it to such of their measures as are directly contradictory of those of the preceding Administration, but I will not allow it to be either just or fair, applied to measures with which these have no relation. But it is a powerful though trite policy, to which the unthinking part of the world have too often been the dupes. To such let them address themselves. I trust that my cause will be decided by other judges.

The subsequent transactions have not even the pretext of a public object, but are directly and openly levelled at myself. The ground is popular and calculated to the temper of the times, and whatever be the issue of them there are thousands on whom the bare allegations will fix an indelible impression.

On the 10th instant an English letter, containing English accounts, was brought to the Board in the name of the Ranny of Burdwan, by a servant of Mr. Joseph Fowke, charging me personally with having received the sum of 15,000 rupees as a present from Dewan Birzoo Kissor Roy.

On the next day a weightier charge was delivered to the Board, in the Public Department, through the hands of Mr. Francis from Maharaja Nundcomar, of various presents having been received by me, which, on the most probable estimation of the indefinite sums, added to those which are particularly specified, must have amounted to many millions of rupees.

The proceedings of the Board and of the majority, continued by their own authority, on those accusations, will be found at large in the Consultations of the 10th, 11th, 14th, and 17th instant, in the Revenue Department, and of the 11th, 13th, and 20th in the Public. I beg leave to refer to those records, as I think it necessary that you should have the most complete, as well as the most authentic information of the subject.

Those relating to the allegations of Raja Nundcomar have been committed to the hands of your attorney, for the purpose of commencing a suit at law against me, in the name of the Company, for the recovery of the sums said to have been received by me from Munny Begum in the year 1772. I reserve my defence for the same channel, not choosing to give my adversaries an advantage by anticipating it, nor to bespeak your premature judgment on a cause thus depending. I do not mean to restrict myself solely to this mode of defence. Let the law have its effect, and I am willing and shall be proud to submit all my transactions of what nature soever to your justice, in any way or form which you shall prescribe. In the meantime I beg that you will suspend your opinion upon my conduct, except in those parts of it on which you have complete materials to decide, and on which your earliest decision is required; in this decision the conduct of my opponents must necessarily be involved.

A combined and declared majority of the Council have stood forth as my accusers. I appeal for the truth of this assertion to the whole tenor of their

conduct since their arrival in this country, and to the undoubted evidences which appear in the public records of the last fifteen days' consultations, that these gentlemen are themselves parties, if not the principals, as in my heart I believe them to be, and such the world esteems them, and the Ranny of Burdwan and Raja Nundcomar little more than instruments and ostensible agents, in the accusations preferred by them against me.

Whether considered as my accusers or as joint members of the Administration, I disclaim their right to erect themselves into a tribunal to try my conduct, nor should any consideration prevail upon me to subject myself to such a state of humiliation.

As little do I judge it consistent with my own honour, or your interest, to suffer the first member of this State to be personally arraigned at the Council Board, and exposed to the insolence and calumnies of a miscreant like Nundcomar. Had the majority been disposed to accept of my proposition of appointing a Committee for prosecuting their enquiries, either into these or the Ranny's allegations, they might have obtained the same knowledge and all the satisfaction in this way, that they could have expected from an inquisition taken by the Board at large, their proceedings would have had the appearance at least of regularity, and my credit would have been less affected by them. The only point which they could possibly gain by persisting in bringing such a subject before the Board was to gain a public triumph over me, and to expose my place and person to insult.

Reduced to this extremity, and supported only by a single member of the Board, whose behaviour and reasonings on this occasion will, I trust, do him honor in your eyes, although they availed but little against a precombined resolution, I had no alternative left, but to yield to the indignities offered me, or to make use of the authority which the ancient and unrepealed constitution of your service has vested in the President of your Council, to declare the meeting dissolved. My declaration had no effect with them, nor did I expect it would. It rests with you to determine whether in this instance I usurped (or to speak more properly asserted) a privilege to which I had no lawful claim, or whether I am justified, by the ancient and invariable practice of the service, and by the necessity of the case, in that resolution. This point was debated and fully discussed in the next day's consultation at the Revenue Board, and of course determined by the majority in favour of the practice which they had already begun. I cannot add any arguments to those which appear in my minutes upon this question to prove the legality of my claim; I trust they will be found conclusive in point of fact, and am confident that the reasonableness of this power, and its necessity in various cases, will not escape your penetration—without it, a prevailing faction in the Council might have it in their power at any time to steal in, or obtrude business on the Board for which the other members were unprepared, and they would have opportunities of imposing such indignities upon their President, as he could only avert, by a resignation of his office and of the service. In such cases the only remedy seems to be that the power which summoned the meeting should dissolve it, and this surely could not be more properly exercised than in the present instance, when not only new matter was attempted to be introduced foreign from the declared purpose of calling the meeting, but even a personal indignity, and wanton triumph over my weakness in the Administration, were prepared for me.

My adversaries will doubtless allege that whatever was the constitution formerly in this respect, such a privilege does not now exist. I have carefully examined this point. I find no alteration expressed in the Act of Parliament, in respect to the powers of the internal constitution of the Council, except one single point, namely, that in the old Council the first member was styled President, a title specifically including him in the number of the Council, and assigning him only the first seat in it; and in the new establishment he is dignified by a higher and exclusive title, and in a manner separated from the other members. How far the wisdom of the legislature meant by this distinction to extend the privileges of the chief of this Government is not for me at present to enquire, but surely it is conclusive, as to their intention of neither

diminishing, nor abrogating the inherent rights of the former chiefs, unless specially taken away by other clauses of the Act. Besides, I even find in the Act itself a positive declaration that the rights of the Governor-General and Council shall remain to them in like manner, to all intents and purposes, as they were at any time before exercised by the Presidents and Councils. I may err in this construction, and suffer a subject too nearly allied to my feelings to impose on my judgment, but I am confident, whatever may be the opinions as to the right, that with you, gentlemen, and with all wise and moderate men, nothing will justify the intemperance of my opponents, who compelled me, by every circumstance of useless and indecent provocation, to fly to such an expedient, as the only means of saving me from personal insult.

You will observe the attempts that have been repeatedly made by the majority to compel the attendance of my two principal servants before them. In this instance also, I presume to affirm, that they have acted without a precedent, and without any legal authority. To those who know the custom and manners of the country, this will be considered as an outrage offered directly to myself, and whatever colour may be given to it, I believe there is not a man in this place that looks upon it as intended for any other purpose. If it were possible to ascribe it to any other, the behaviour of General Clavering at the Public Council Board on the 20th would put it beyond the possibility of a doubt.

Again I beg leave to refer you to the perusal of the Consultations upon these subjects, of which I wish that not a single word should escape your observation.

Although I have declined entering at this time and place into a refutation of the accusations which have been preferred against me in the names of Nundcomar and the Ranny of Burdwan, yet I do not think it proper to pass them wholly unnoticed.

You are well informed of the reasons which first induced me to give any share of my confidence to Nundcomar, with whose character I was acquainted by an experience of many years. The means which he himself took to acquire it were peculiar to himself. He sent a messenger to me at Madras on the first news of my appointment to this Presidency, with pretended letters from Munny Begam, and the Nabob Yeteram-ud-Dowla, the brother of the Nabob Jaffier Ally Cawn, filled with bitter invectives against Mahmud Reza Cawn, and of as warm recommendations as I recollect of Nundcomar. I have been since informed by the Begum that the letter which bore her seal was a complete forgery, and that she was totally unacquainted with the use which had been made of her name till informed of it by Juggutchund, Nund Comar's son-in-law, who was sent to her expressly to intreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story. I have not yet had the curiosity to enquire of the Nabob Yeteram-ud-Dowla whether his letter was of the same stamp, but I cannot doubt it.

The promise which he says I made him that he should be constituted Aumeer (that is Inquisitor General) over the whole country, and that I would delegate to him my whole power and influence, is something more than a negative falsehood. He did once or twice intimate to me a wish of the kind, but with so little success that for a while he wholly dropped it. On Mr. Reed's return from the coast, where he had been on leave of absence, Nundcomar made his application to him for the same employment, hoping through his influence to obtain it. Mr. Reed, deceived by his suggestions, brought the proposition before the Board, and supported it with warmth, but it was rejected. The manner in which this matter was then introduced contains striking proofs of the incendiary character of the man, and the proceedings will show the grounds on which the proposition was rejected.

Consultation, 13th February 1773.

For the enquiries which were made into the conduct of Mahmud Reza Cawn and Raja Shitabroy, I beg leave to refer to the proceedings themselves, in which every voucher and every evidence that I could obtain from Nundcomar are recorded at length, and you will yourselves be the best judges of the

diligence which was exerted by me in the prosecution of them. Mahmud Reza Cawn, who was brought to trial by your express commands, on formal charges exhibited against him, was confined under a guard of sepoys from April 1772 to June 1773. Shitabroy, although there had not been any express commands received from you concerning him, was in like manner confined from May 1772 to June 1773, and the most public notice was given with respect to both, that every complaint against them would be heard and strictly tried.

The reasons for appointing a native officer at the head of the Khalsa, and the particular reasons which induced the Committee to make choice of the son of Raja Dulab Ram for that office, appear in the records of that time.

I recollect an information given me by Nundcomar concerning the pretended usurpations made by the Rajah of Benares of the purgunnahs of Keera, Mungrora, and Bidjygue in the Province of Bahar, but at a much more distant period of time than Nundcomar has asserted. I do not recollect his mentioning it again when I set out for Benares, neither did I ever intimate the subject either to Cheyt Sing, or his Ministers, because I knew I could not support the claim, and to have made it and dropped it would have been in every sense dishonourable. Not that I passed by it with indifference or inattention. I took pains to investigate the foundation of this title, and recommended it to the particular enquiry of Mr. Vansittart, who was the Chief of Patna at the time in which I received the first intimation of it. The following letter and voucher, which I received from him, contain a complete state of this pretended usurpation.

Extract of a letter from GEORGE VANSITTART, ESQ., *Chief at Patna, to the Governor, dated the 25th September 1772.*

When I was at Moorshedabad you mentioned a report of a Purgunnah having been alienated from this province, and given by Shitabroy to Raja Bulwan Sing. I asked you if you meant Bejugar or Chowra. You said no, that neither of these was the name; that the place you meant was somewhere in the neighbourhood of Rotas. Since my return hither, I have been making particular enquiry, and I imagine Mungrora must be the purgunnah you spoke of; but it is not in the neighbourhood of Rotas. It belongs properly to Shawbad, and is situated not far from Benares. It paid its revenue to this province till 1085 or 1677. In 1086 it was all given away to jagheerdars; in 1140 about a fifth part was resumed, and again paid a revenue. In 1142 this part was again given to Jagheerdars, and the Bahar Government has never since received a rupee from it; about 8 years ago Meer Jaffir made a present of it to Bulwan Sing, to whom it was confirmed by Lord Clive and Carnac, and he afterwards procured sunnuds for it, as an altumgaw * from the King and the Vizier. Inclosed are copies of these several papers.

Memorandum of a Sunnud and Furman, from the beginning of the month Shabaan in the 8th year of the Reign of the King SHAH ALLUM.

The sum of 16,80,083 daums on the whole purgunnah of Mungrone, in the Sircar of Shahabad, in the Subah of Bahar, the revenues of which amount to 50,000 rupees and upwards, is granted agreeably to the Zinnum, from the latter end of Rubby-ul-Owel as a free and unconditional gift, to Raja Bulwant Sing and to his heirs without the association of any other person, and with an exemption from the payment of all customs.

The Contents of the Zinnum.

The whole of the purgunnah of Mungrone in the Sircar of Shahabad, in the Subah of Bahar, is granted as a free and unconditional gift to Raja Bulwan Sing, and his heirs. Tunca 16,80,083 daums. Jumma of the purgunna 50,000 rupees and upwards.

* Altamgha, Altumgha, or Ultumgha.

A royal grant under the seal of some of the former Native Princes of Hindustan, and recognised by the British Government as conferring a title to rent-free land in the perpetuity, hereditary and transferable. Although probably originally bearing a red or purple stamp, the colour of the imperial seal or signature became in Indian practice indifferent.—Elliot. (Wilson's Glossary of Indian terms).

Copy of a purwannah under the seal of the Vizier-ul-Mulk Suja-ud-Dowla Bahadre, Sufdur Jung, from the 29th of Shabaan in the 8th year of the reign of His Majesty Shah Allum, agreeable to the above Illustrious Firmaun of the 15th of Shabaan in the 8th year of the reign, the sum of 16,80,083 daums on the whole purgunnah of Mungrone, the revenue of which amounts to 50,000 rupees and upwards, with an exemption from the payment of all duties, from the middle of Rubby-ul-Owel, agreeably to the zinnum, is granted as a free and unconditional gift to Raja Bulwan Sing Bahadre, and to his heirs.

Contents of the Zinnum.

The tunca as a free gift and donation to Raja Bulwan Sing, on the whole purgunnah of Mungrone. in the Sircar of Shahabad in the Subah of Bahar, 16,80,083 daums, the revenue of the said purgunnah 50,000 rupees.

Copy of a Sunnud from MEER MAHOMED JAFFIR CAWN BAHADRE, written the 20th of Rujjub, in the fifth year of the reign of His Majesty SHAH ALLUM.

In consideration of the attachment and services, High and Mighty Raja Bulwan Sing Bahadre, the revenue of 16,80,083 daums, in the purgunnah of Mungron, with the fousdarry and other duties usually paid to Government, are remitted to him and given for his own emolument, that he may be always ready to protect that quarter.

Dated as above.

Copy of the Treaty under the Seals of the NABOB SABUT JUNG (LORD CLIVE) and GENERAL CARNAC BAHADRE.

In the 5th article of the Treaty between the Nabob Shuja-ud-Dowla and the Nabob Nudjum-ud-Dowla Bahadre, Nizam of the Subah of Bengal and Bahar and the English Company, which was acceded to by His Sacred Majesty and signed and sealed by the respective parties, the affair of Raja Bulwan Sing is mentioned as follows :—

Article the 5th—Rajah Bulwan Sing be established and continued in the jemindaries of Benares, Gazypore, and also the other districts which he possessed, at the time he entered into alliance with the Nabob Meer Jaffir Khan Bahadre, and the English, upon condition of his paying the same revenues as heretofore.

Memorandum of particulars relating to the Purgunnah of Mungrone extracted from the Records.

From the records of the year 1085, it was annexed to the Khalsa Shereefa, in the year 1086 till the year 1136, Fussully, the whole of the purgunnah was relinquished to jaghirdars.

In the year 1140, 3 lakhs and 5,000 daums reverted in charge to the Nizamat and remained as a deposit till the year 1142, and were annexed to the Caboolcat of Shahabad; the remaining sums continued under the jagheerdars.

From the year 1143 Fussully to the year 1170, the records of the whole of this purgunnah were reannexed to the Nizamat.

From the year 1171 Fussully, in the records of the Nizamut, it was considered as separated from the authority of the Nizamut. It appeared that Rajah Bulwan Sing had obtained a sunnud for the whole purgunnah as an unconditional gift, and was in possession of it—the sunnud is not in the records.

A true translation.

J. H. D'OYLY,
Acting Persian Translator.

The reasons which prevailed on the late Board to grant the purgunnah of Bahrbund to Cantoo Baboo, my servant, will appear in the Consultations of the 12th and 19th of July 1774, in the Revenue Department. To those I refer, you will find that this is not a part of the zemindary of Ranny Bowany, nor ever in her possession, but a mahal or district, depending immediately on Government and lying on the frontier of the province; that no kind of indulgence was shewn to my servant in this grant, but an advantage provided for Government, by the peshkush or fine to be paid, and by the security which the collections of it would naturally derive from being in the charge of a man of business and property.

The sunnud was never granted though ready drawn up and in my possession, from the time of the order of Council; nor of course the peshkush paid, because I chose to defer the confirmation of it till the assembly of the new Council.

The majority in their separate meeting of the 17th instant have thought proper to deprive Cantoo Baboo of this grant for reasons which they are yet to seek; one indeed they have assigned, namely, that the person in whose name it was granted was described as a man of credit and property, but proved on enquiry to be a boy of 10 years of age. You, gentlemen, need not be told that it is the constant practice of the gentoos to register all deeds and contracts, and apply for all grants, in the names of their sons. Loknaut Nundee, the nominal zemindar, is the son of Cantoo Baboo, whom the Board intended by the above description.

I beg leave to drop the immediate subject for a moment to take notice of the general reproach which the gentlemen of the majority have thought proper to cast upon me, for having permitted my servant to hold taluks and farms to a considerable amount in the province; indeed such is the peculiarity of my lot, that I find that I must defend myself even against the opposite charge of having permitted him to quit many of his farms. I shall say but little to both accusations.

Cantoo Baboo was in possession of his talooks before my arrival.

Many of his farms were taken without my knowlege, and almost all against my advice. I had no right to use compulsion or authority, nor could I with justice exclude him, because he was my servant, from a liberty allowed to all other persons in the country. The farms which he quitted he quitted by my advice, because I thought that he might engage himself beyond his abilities, and be involved in disputes, which I did not choose to have come before me as the judge of them.

The enclosure No. 1 is a comparative account of the jumma and collections of all his farms in the year preceding this settlement, and in the years in which he has held them, with the jumma continued to the end of the lease. This, compared with the general accounts of the Bengal Province, will afford a more convincing proof than any words can offer, that he has received no sort of indulgence or privilege from my protection. If further proofs are wanting, the consultations referred to in my despatches by the *Bute* and *Pacific* contain many instances of my impartiality, and some even of rigour shewn him by the Board, with my concurrence, particularly in depriving him of his Teeka Salt Works, in favour of his competitor Cumaul-ud-Deen—an act rather of necessity than strict justice.

As to the charge of withholding from Nundcomar a palankeen which he lays claim to, I am ashamed to reply to so futile an accusation. The enclosure No. 2, delivered to me by Mudgelis Roy, the Vakeel of Rajah Shitabroy, contains all that I know of this affair, except that the palankeen is in my possession, as I am told, for I have never seen it.

The appointment of Munny Begum to the management of the Nabob's household, and of Raja Goordass and the other relations and dependants of Nundcomar to the Dewanny and subsidiary offices of the Nizamut and Bahla, took place in the month of August 1772. My motives in these arrangements have been already fully explained to you in the minutes of the Committee of

Circuit, and the general letters of that year, and in my address to your Secret Committee, dated the 1st September.

I believe there is scarce a man in Bengal who does not now commend my choice of Munny Begum for the trust assigned her. I believe there were few to whom the distinction which was shewn by me on that occasion to the family of Nundcomar did not afford matter of much astonishment, as his character was known to all, and my opinion of it to all who knew me.

You have been pleased to honour me with your approbation of every part of this transaction.

It is now scarcely three years since I received the charge of the Government of these provinces from Mr. Cartier, of which time the last six months may be accounted a blank. The variety, multitude, and importance of the arrangements which have been crowded into the narrow space of time in which I held this authority are fully known to you. For their effects the state of your treasury and the diminution of your debts will be my best vouchers.

How much the trade of these Provinces has benefited during my administration the following authentic accounts of the customs and shipping of this port, for some years past, abundantly testify :—

General view of the Calcutta Custom House Collections and Cash Accounts for the following years, viz. :—

Years.	Gross duties.			Net duties.			Paid into the Treasury.		
	C. Rs.	a.	p.	C. Rs.	a.	p.	C. Rs.	a.	p.
1769	2,62,756	12	3	2,37,960	12	6	2,24,306	5	3
1770	1,46,801	1	6	1,20,934	4	6	1,41,901	5	6
1771	2,08,166	6	3	1,83,526	13	3	2,01,650	13	6
1772	2,34,792	5	6	2,05,515	4	9	3,07,512	0	0
1773	3,39,484	12	3	3,04,818	11	3	3,06,192	0	0
1774	4,11,045	2	9	4,00,966	12	9	4,08,992	15	6

Errors excepted.

CALCUTTA CUSTOM HOUSE,
The 1st January 1775.

W. BENSLEY,
Custom Master.

Account of the number of vessels arrived in the River Hughly, with their Tonnage, from the 1st of January 1771 to the 31st December 1774.

Years.	No. of arrivals.	Tonnage.	Increase of Tonnage annually.
1770	95	23,831	...
1771	81	25,070	1,239
1772	115	26,184	1,114
1773	161	37,037	10,833
1774	147	43,935	6,898

N. B.—The number of arrivals in the year 1774 being less than the foregoing year, and the tonnage more, is owing to the many small coasting vessels being put down in the account for the year 1773, and not included in last year's.

H. WEDDERBURN,
Master Attendant.

For the rest I dare appeal to every man who has left Bengal since the date of my accession to the government of it, in the certain assurance that their concurrent voices will do me strict justice and ample credit.

Foiled in all their repeated attacks upon me, my adversaries have recourse to the charge of rapacity—a charge of all others the most foreign from my nature. I do not assert this on the empty credit of self-presumption: neither my general character, circumstances, nor conduct in life, before my appointment to this Government are unknown to many of your Hon'ble Court, and a slight review of my measures since that period will manifest how little they have been guided by an attention to my private interest.

The stoppage of the King's tribute was an act of mine, and I have been often reproached with it: it was certainly in my power to have continued the payment of it, and to have made my terms with the King for any part of it, which I might have chosen to reserve for my own use: he would have thanked me for the remainder.

Your order for the reduction of the Nabob's stipend was communicated to him in the month of December 1771. He remonstrated against it and desired that it might be again referred to the Company. The Board tacitly acquiesced in his remonstrance, and the subsequent payments of his stipend were made as before. I might easily have availed myself of this plea, I might have treated it as an act of the past Government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expenses of his Court and household without it, which I could have proved by plausible arguments, drawn from the actual amount of the Nizamut and Behla establishments, and both the Nabob and the Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your orders rigidly and literally into execution: I reduced the Nabob's stipend from the date on which the first notification of it was made to him; I undertook myself the laborious and reproachful task of limiting his charges from an excess of his former stipend to the sum of his reduced allowance; and I had the satisfaction of viewing the Nabob in a state of magnificence suitable to his dignity within twelve months after at Plassy, where he had met me the year before, with every appearance of indigence and meanness. For this too I can appeal to many gentlemen of your service, who were witnesses of the Nabob's condition, in both the periods which I have related.

Had I been desirous of reaping any advantage from the new settlement of the lands, the very means which I employed were diametrically opposite to it, since it has been reproached to me, by my adversaries themselves, that the farms, particularly those in the settlement of which I was personally concerned, were let beyond their real value.

When the Ranny of Burdwan renewed her intrigues on my accession to the Government in 1772, she solicited my interest with proffers of many lacks; prompted equally by ambition, hatred to Brizoo Kissore Roy, and the rage of former disappointment, she was prepared to have agreed to any conditions that would ensure her a victory over her enemy. But it will appear from the early date of the Consultations on this subject, that her solicitations served only to invite me to an instant conclusion of the dispute, by a full and effectual confirmation of the decree which had been passed upon it in the preceding Administration.

It will not escape your observation that notwithstanding the violence with which I have been persecuted, I am not even charged with a single instance of oppression, except in the grant of purgunnah of Baharbund, which I have already explained. There cannot, I think, be a stronger proof that my conduct in this respect has been wholly unexceptionable.

To what length the violence of my adversaries, which have been progressively improving to this time, will be carried, when the last dispatches of this season will have left no means of further appeals, I can only conjecture.

You will see how effectually they have already accomplished one part of their system, by the total extinction of my authority here, not only by excluding me from a share in the Public Resolutions at the Council table where I sit only as an object of the most illiberal persecution, but by so manifest a declaration of their power and determined enmity towards me, that it is universally believed to be the surest means of acquiring an influence with the present Administration to bring accusations against their First Member,

as, on the other hand, those who are supposed to have shared any degree of my favour, are the marked objects of their vengeance. If circumstances of such notoriety require the support of formal proofs, I might appeal to almost every page of your Consultations for the first part of this assertion, but I content myself with instancing only the Consultation of the 20th, in the Public Department, and the inclosed minute No. 5 delivered at the Board yesterday (the 24th) by General Clavering, on which I shall make no comment. For the latter the favours and honours heaped on the Burdwan Ranny, and Roopnarain Chowdrie, and the countenance shewn to Nundcomar. The refusal of the majority to receive visits of Mahmud Reza Cawn, when they were offered through me, and his close connection with them since the selection of the salt contractor, for the subject of a civil prosecution, because it was supposed that Captain Weller, whom I patronized, did, while living, and his widow since his death, partake of the profits of the contract. The force and intimidations used to my servant Cantoo Baboo, and the dismission of Mr. Lewis from the Council of Burdwan, because he had my permission to go to sea for his health, are instances sufficient to characterize both the temper and influence which rule the acting members of your State.

I cannot help taking notice of the peculiar disadvantages which I have laboured under in the times which seem to have been chosen; you will judge whether accident could have produced such an invariable similarity of effects for the introduction of the several materials which have the arraignment of my conduct for their direct or ultimate aim.

The first letter from the Ranny of Burdwan, which I consider as the preface to all the rest, was sent to the Board on the 30th of December, after the day fixed for the close of the proceedings, in the height of business of the *Dutton's* dispatches, although it is publicly known that Lalla Khooshal Chand, her agent and present Dewan, who had been compelled to leave Calcutta on account of his former intrigues, returned thither almost as soon as the transports arrived, and it is not likely he was idle in the intermediate time.

The Ranny's reply to Graham's vindication was sent in after the close of the public proceedings, on the dispatch of the *Bute* and *Pacific*.

Her last charge, in which I am directly included, was brought before the Board the 10th of March, Nundcomar's accusations on the 11th, and Mahmud Reza Cawn's, which I believe will be read as obliquely aiming at the same end, on the 13th, the day fixed for the close of the proceedings now in course of dispatch.

The requisition which has been made by the majority for sending a number in the packet, the charges preferred against Mr. Barwell by Coja Kawock, which I never saw till the 24th, is a similar instance of this uncandid mode of proceeding. But it is not in these instances only that I complain of it; they are the assistants and of course know the times and modes in which their attacks are to be made. Unapprized of both, I have to encounter their deliberate and guarded projects by the instant and unpremeditated impulse of my own judgment, and my attention is thus kept perpetually drawn off from the calls of instant business by the expectation of fresh hostilities. Do not wonder therefore, Hon'ble Sirs, if my behaviour in any part of these disputes shall appear to you defective or improper. I am not yet conscious of any impropriety in it, but I think that on many occasions I could have provided myself with a much completer plan of defence had I been allowed the same leisure and tranquillity to form it as my opponents possessed in concocting that of their attacks upon me.

I beg leave in this place to make one short observation upon the right claimed and exercised by the gentlemen of the majority to examine persons before them on oath, even in accusations against the parties themselves. This you will find to have been practised with Brizoo Kissore, in their proceeding held after my departure on the 14th instant in the Revenue Council Chamber, and on the 17th instant, sentence was formally passed against him, by the same gentlemen, expressly grounded on his answers to the questions which had been thus proposed to him. Thus to extort from a man evidence against himself is

so directly contradictory of the fundamental principles of justice that it requires no comment. Several other persons were examined by them on the 14th, and put to their oaths—a measure which has an immediate tendency to the subversion of justice. The inhabitants of this country from the nature of their education, from the form of their own government, and from the timidity of their dispositions, are equally incapable of bearing up against the frowns of power or of resisting the allurements attendant upon it. Thus called before a settled majority, the violence of whose measures has filled the country with alarm, they will naturally give evidence as Nundcomar may have told them is expected, and having once done so, they are tied down to support it, whether true or false, when legally summoned before the Supreme Court of Judicature.

In a former letter I pledged myself to prove that Mr. Graham was not guilty of the crimes laid to his charge in the petition of the Ranny of Burdwan entered in Consultation the * * * * *. These were, first, the cruelty and oppression with which he is said to have separated the young Raja of Burdwan from the Ranny his mother; secondly, the violence with which he wrested the seals from her; thirdly, that he had appropriated to himself very large sums from the young Rajah's allowance.

The grounds on which I thus pledged myself to you were my knowledge that Mr. Graham did not possess any distinct authority since the death of Tillock Chand, the former Raja, and the assurances which he made me before his departure from Bengal.

The 1st and 2nd articles upon your records will prove to have been the deliberate acts of the Administration, and a letter from Mr. Charles Stewart, of which I have already transmitted you a copy, will shew that the orders were carried into execution by that gentleman, and that Mr. Graham did not interfere.

The third charge you will observe to have dwindled from many lacks of rupees to thirty-five thousand, and this sum the Ranny allows to have been paid to Mr. Graham in discharge of a bond which had been given him, but she asserts that the bond was exclusively given, without any money being actually received from him, and that consequently the money thus paid him was in effect a present from Brizoo Kishore. Brizoo Kishore, on the contrary, positively denies that any present has been made by him to Mr. Graham since the death of Raja Tillock Chand, except some shawls, &c., to the amount of 4,000 or 5,000 rupees. With respect to the other sums of money which the Ranny accuses Mr. Graham of receiving, it is not pretended that they were given since the death of Raja Tillock Chand, and therefore the accusation, whether true or false, is entirely foreign from her original charge. The majority have now determined that a prosecution shall be commenced in the Supreme Court of Judicature for the recovery of these sums. I cannot with propriety say more on the subject.

I am not able to reply by this conveyance to Colonel Champion's vindication; besides the more pressing weight of other business preventing me, I must necessarily wait for the replies to the questions which I have proposed to put to the field officers and others concerning the subject of his vindication, which I have yet in vain attempted, through the channel of the Board. But I mean to give it a thorough and effectual examination; in the meantime I am not much alarmed for the effects of such a production.

I have the honor to be, with the greatest respect,

Hon'ble Sirs,

Your most faithful and obedient humble servant.

Remarks on the Minute from General Clavering, Colonel Monson, and Mr. Francis, dated the 25th February 1775, by the Governor-General.

I shall not ring the changes for ever on the same trite subject. My observations therefore on this production shall be confined to such passages of

it as contain new matter, or new but specious argument on the old. The rest I shall pass without a comment.

4th.—To this, what I have said on the subject in my letter per *Dutton* may serve for a complete reply.

6th and the following.—The conditions of the Treaty of Benares were as well known to the world as to the Board when the *Mercury* sailed, and private advices, all concurring in the same points, bore equal authority to public. Private intelligence of the treaty they had received, and that is sufficient for my argument.

10th.—I have read with attention the answers of Messrs. Middleton, Dacres, and Vansittart, and recommend them to the attention of the Court of Directors, as containing the most valuable lights into the state of this country.

But I do not recollect that their description of it is unfavourable.

All that I recollect, to which that construction can be applied, is that the attempts of the Board in 1772 to increase the jumma have proved unsuccessful, and that, instead of such attempts, it would be more advisable to ease the people of a part of the new impositions, which took place before that settlement.

To this opinion I heartily subscribe; and for my fuller sentiments on the subject refer to the 37th paragraph of the first part of my last despatches, and to the plan recommended by Mr. Barwell and myself for the new settlement of the lands, which will make a part of the present despatches.

12th.—Neither my duty as a servant of the Company, nor my allegiance as a subject, are to be maintained by a sacrifice of the truth. If the principles on which I have examined the rights of the Rohillas to the country which they occupied by force are applicable to those by which the British Empire holds its sovereignty of these provinces, the conclusions will be the same, nor shall I be ashamed or afraid to avow them. If even the Mahrattas or any other power should engage in a just war with this Government, and (which God forbid) prove victorious, they will acquire an undoubted right to treat the English as the English have treated the Rohillas, and expel them from this country; neither the British nation, nor that of Bengal, will be extirpated by this expulsion.

18th.—I do not admit the authority of Colonel Champion as unquestionable. His letter was written on a point of controversy in which he was a party.

Concerning the cruelties charged to the Vizier, I have been very explicit in my remarks which went by the *Dutton*, on the 18th and 19th paragraphs of the letter of the majority of the 30th November. To that I refer and shall have further elucidations to produce on this subject when I receive the replies to the questions which I have proposed to be put to the field officers and others concerning the matters contained in Colonel Champion's vindication.

I shall in this place only observe that the intelligence given by Colonel Champion's hircarrahs, and of their conversations with the women of a harem, is so contrary to the manners of the East, and the whole of their report so void of probability, that I trust to the perusal of it by any considerate reader for its refutation.

28. The orders of the Board for the recall of the brigade were sent, it is true, after the conclusion of the Treaty with Fyzoola Cawn, but the Board had not received advice of it when those orders were resolved on; even after the treaty it would require some time for the Nabob to establish his own government in the new conquest, and there was a rumour that Fyzoola Cawn would recede from his engagements, and the Roh'llahs re-assemble, when there was no longer cause to dread an opposition from the English army.

29. An imperfect quotation from my remarks.

30. By a report made to me by Mr. Lloyd, the Mint Master, it appears that 100 Fyzabad Siccas being assayed were found to contain 91 sicca weight 7 dwt. 4 grs., or 2 lb. 10 oz. 1 dwt. 4 grs., 98 troy weight, of pure silver: and that 100 Bengal siccas produce Sicca weight 97-14-8, or 3 lb. 12 dwt. 23 grs. 7 dwt. troy

weight of pure silver. The intrinsic difference therefore between the two coins is a little more than 7½ per cent. Fyzabad Siccas are Siccas of the currency of Oude.

31st.—Neither Siccas (*i.e.*, Bengal Siccas) sunwant nor current rupees were meant by the treaty, but Fyzabad Siccas, and their value in the coin of Bengal has been ascertained as above.

According to that rate 40 lacks siccas of Oude will produce 43,16,279 current Calcutta rupees.

32nd.—The deficiency must undoubtedly be made good by the Nabob of Oude.

This was agreed to, and actually performed by the late Nabob, in the payment of 15 lacks, which were made by him to Mr. Nathaniel Middleton, as will appear by the accompanying invoice, which will shew the difference of batta between the rupees of inferior value and the Sicca of the currency of Oude, or the Fyzabad Sicca. The subject is as simple and easy as any of the common rules of arithmetic, and can only be made intricate by multiplying words, without waiting for distinct ideas upon it.

34th.—The troop of horse was allowed to attend Colonel Champion because it was not particularly wanted for any other service: it cost no more where it was than it would have done in Bengal, except the difference of batta to the officer commanding it.

35th.—It does not appear the battalions required more recruiting in the field than they would have done in cantonments in Bengal, nor have any additional recruits been required to be sent out on account of that service: no additional expense has therefore been incurred on that score.

40th.—It is much easier to declaim than to argue. The word *mercenary* is meant to convey an idea which may suit these gentlemen's purposes, but is not applicable to the true situation of our troops; an assistance afforded an ally upon his agreeing to defray the expense is very different from hiring out troops to the highest bidder, or to both sides at the same time like the Swiss, without either friendship or enmity to either; besides there is not much consistency in saying with one breath that the late Government hired out their troops as mercenaries, and with another, that they let them out without exacting what was sufficient to defray their expense.

41st.—I believe the farmers of a few of the purgunnahs about Dinapore have mentioned the absence of the brigade as an inconvenience they felt from the demand for the produce of their lands being thereby lessened, and I admit the argument here used to be in some degree a just objection to the removal of a brigade out of the Company's territories; but I think the arguments in favour of its removal greatly overbalance it, and I conclude, the majority are of the same opinion, otherwise I know not why they should allow the assistance of our troops to Sujah-ul-Dowlah's successor, notwithstanding their determination that the treaties of Allahabad and Benares do not oblige them to it.

42nd.—By a reference to my minute of appeal dated the * * * * * * I find the following were my words:—"I will only add that so long as no immediate danger threatens our own provinces, it is my earnest wish that one of our three brigades might constantly be employed with the Vizier, as well to save so large a proportion of expense to the Company as to prevent the ill-consequences of total inactivity to our troops."

43rd to 47th.—I do not say that the next receipts into the treasury will increase in the progressive proportion of the settlement. I refer to my remarks on the 27th paragraph of the majority's 3rd letter of the 4th of January.

The zemindars and farmers were themselves deceived, and bid more for the lands than they could afford; the circumstances which deceived them have been repeatedly explained. The committee's statement was necessarily formed according to the engagements which had been made, nor did they at that time suspect the deficiencies which afterwards occurred.

As soon as the late Administration were themselves convinced that the lands had been overrated, they did not fail to represent it to the Court of Directors.

48th.—From a cursory perusal of this paragraph, it would be concluded that in 1772-73 a balance had been incurred of 61 lacks of rupees.

The next jumma, according to the Committee's original statement, was only Rs. 1,21,83,631; besides, the sum of Rs. 10,09,443, which had been collected, but not remitted, remained a balance in the provincial treasuries, and about 5 lacks which had not been included in the receipts, because it was appropriated to the discharge of the old salt balances in the Hidgely districts.

49th to 51st.—When the zemindaries are of a moderate extent, the zemindars attend to the management of their own business, and agree to reasonable terms; it is certainly better that the revenue should be settled with them than with any other persons.

This was the opinion too of the late Administration, and, if I am not mistaken, stands frequently recorded on their proceedings. In the five years settlement a greater portion of the country was actually farmed to the zemindars themselves than to other persons, but objections occurred to prevent this plan from being universally adopted.

None of the zemindars are men of substance, nor in general is there any other means of recovering their balances than by the sale of their lands; and the depriving them of their inheritance, even when done with the strictest justice, is always attended with some degree of odium, and is an act of severity which the late Administration ever wished to avoid.

Where the zemindars are minors, and where they are themselves incapable of, or inattentive to, business, the settling of the rents with them is subjecting them to be deprived of their inheritance by the misconduct of their servants, upon whom the fear of their masters' zemindaries being sold cannot be supposed to have so much influence as the hope of present profit.

In some parts of the country, especially on the frontiers, there is no security against balances by a sale of the lands, because purchasers are not to be found.

How reasonable soever it appears that the zemindars should be solicitous for the good condition of their own estates, yet it is frequently a maxim of their policy to let them rather fall to decay in order to reduce their jumma (their rated revenue). The zemindars, especially in large zemindaries, have often been found to possess an influence, which they have exercised to the oppression of the ryots, the injury of Government, and the interruption of the peace of the country, and to destroy this influence has been deemed a desirable object.

When men of property have offered to farm the lands, on terms more advantageous to Government than the zemindars would agree to (I mean exclusively of their pensions) the late Administration did not think themselves at liberty to reject their proposals.

These are what I recollect of the arguments which occurred to prevent the farming to the zemindars themselves from being adopted as the general plan for the settlement of the revenue, and I know not how they can be obviated, till by proper regulations and a course of time, the landed property in the country is put upon a more desirable and more permanent footing.

With respect to the persons to whom the farms were granted, they were let without partiality to whoever offered the most advantageous terms and found good security. How the plan of the five years settlement has a tendency to destroy all confidence in Government, I really do not understand. As to alienating the affection of the people, the sale of zemindaries has a stronger tendency to this purpose than the letting of them in farm.

53rd and 54th.—The revenue of Burdwan, as expected to be realized this year by the Provincial Council, is equal to what it paid before the famine, and that of Midnapore is superior.

The deductions which have been admitted have already been fully explained. I wish the want of unanimity at our Board may not extend itself to the Provincial Councils, and occupy the time which should be employed in enforcing the collections and checking oppression.

56th.—In answer to this paragraph I beg leave to refer to my remarks by the *Dutton* on the 73rd paragraph of the majority's letter of the 30th November, and to the estimate of receipts and disbursements transmitted by the *Bute*.

58th to the end.—The Administration, whose measures I have endeavoured to defend, is that in which I had the honour to preside, and those measures remain yet unimpeached, as far as I know, by any man but General Clavering, Colonel Monson, and Mr. Francis. I could not call them my own, because they were the concurrent acts of the collective body; nor can I conceive either a reason why they should not be joined in the vindication of those measures which were peculiarly mine, nor in what manner I could have separated my own conduct from that of the Board, since I had no power to undertake any public measure without their concurrence.

Neither the account they give of the origin and purpose of the late Act of Parliament, nor the conclusion they are pleased to draw from it against the late Administration, seem to me either just or fair. I do not know for whose information this history was drawn up; it was surely needless for that of the Court of Directors; and if for mine, I must beg leave to decline receiving it at second hand, when I can have it at the first. From every paper of uncontested authority it is notorious that the Company's affairs were on the late occasion brought into Parliament by the distress which arose from their China trade, and from the heavy drafts on them from Bengal, by a former Administration, to which the late bore no relation. The Company, from these causes became unable to fulfil their engagements with Government, and applied for relief. Government released them from their engagements, but thought it a favourable opportunity for acquiring a share in the management of those affairs, in which the nation were deeply concerned. On these grounds I conceive the new Administration was formed, and not from any opinion of the misgovernment of the last. If that had been the case, I should think the person who had been the head and the leading member in it would hardly have been put at the head, or even joined in the new Administration.

Remarks on the 3rd letter.

3rd.—The sum of 2,10,000 rupees having been calculated by General Sir Robert Barker as the expense of an entire brigade excepting a battalion of sepoys in garrison at Chunargur, I have in consequence spoke of the Company's being relieved from the whole charge of the forces lent to the Vizier. In the account here referred to I make the supposition of its relieving them from only a part of the charge in consequence of the assertions of the majority. I will not pretend to speak with certainty on this point till the paymaster's accounts have been examined.

4th and 5th. I enclose a daily abstract of the state of the Khalsa treasury for the whole month of January. It will contradict the assertion of the majority, that in general the paper preponderates considerably, and will shew that the pauts* and bills are too quickly converted into specie to admit of the bankers making by them the profits which the majority suppose. The balances in the provincial treasuries are under the controul of the Provincial Councils, and the gomastas of the bank act only as their cash-keepers, and are always liable to be called upon for immediate payment of the sums in their charge.

Arzee from MAHOMED ASSHUN and MUJELUS ROY.

When Maharaja Shitabroy came last to Calcutta by order of the Council, the Governor-General, Mr. Hastings, sent a message to him, desiring to know

* Patra (or Paut). A leaf of a plant or tree, any leaf used for writing upon, as that of the birch or palm or a sheet of paper or metal on which grants of edicts are: a written page or leaf, any written document, as a grant, a deed, a bond, an almanack.—"Wilson's Glossary of Indian Terms."

what was become of the palankeen which was a present from His Majesty to Maharajah Nundcomar, and the reason why it was detained from him. Maharajah Shitabroy returned this answer, that by the direction of the Nabob Jaffir Ally Cawn, he had applied to His Majesty for a title and an order for a palankeen for Maharajah Nundcomar, and that when the sunnud for the title arrived, the Nabob Jaffir Ally Cawn being dead, he sent it to the Nabob Nudjeem-ud Dowlah, and the palankeen was preparing. Lord Clive arriving at that period, and he, not being acquainted with His Lordship's pleasure concerning this affair, kept the said palankeen by him, but that he would immediately send for it from Patna. He did so, and when the palankeen arrived, gave notice of it to the Governor, who ordered him to take care of it; when Maharajah Shitabroy left Calcutta, he spoke to the Governor-General on the subject, and deposited the palankeen in his sarcar.

A true translation.

J. H. D'OYLY,

Acting Persian Translator.

For GENERAL CLAVERING'S minute referred to in the above address, see Consultation, Secret Department, 24th ultimo: it respects his power to call on COLONEL LESLIE for the vouchers of his demand on COLONEL CHAMPION, in answer to the Governor-General on that subject.

Fort William, 21st March 1775.

General Clavering, Colonel Monson, and Mr. Francis's minute sent per *Anson*.

Minute from General Clavering, Colonel Monson, and Mr. Francis.

The Hon'ble Court of Directors have now undoubtedly sufficient materials before them to judge of, and determine upon, the propriety of our observations on the public conduct of the Governor-General and the measures of the late Administration.

The cause in which we have hitherto pleaded is that of the Company and the nation, not our own; we have supported it fairly, and impatiently wait the decision. There are but two articles in the Governor-General's minute of the 22nd of February that seem to us to require any further notice on our part.

He adheres to the truth of the assertion contained in his letter to the Court of Directors of the 3rd of December, *viz.*, that on the 30th of November there was a balance of current rupees 80,19,806 *actually lying* in the Company's treasuries, as particularized in the account inclosed in that letter.

We have now called upon Mr. Croftes to explain the account, and beg leave to refer the Court of Directors to the annexed copy of the questions put to him, and the answers, as they stood recorded on the Consultations of the Revenue Board on the 17th instant.

Mr. Croftes declares that "the account in question was not meant by him as the cash account of the Company on the 30th November; that he did not draw it up with a view to prove that the balance stated by Mr. Hastings was actually lying in the Company's treasuries on that day; and that it does not prove the actual existence of such balance."

As we have now the authority of Mr. Croftes himself for affirming that the account does not prove the truth of the proposition which the Governor-General proposed to prove by it, we shall leave any further question that may arise on this subject to be agitated between him and Mr. Croftes, and determined by our superiors.

In the account of arrears due to the King, annexed to our minute No. 3 of the 11th January last, we are informed by Mr. Croftes that he has led us into a mistake: It seems that he has given credit to the King for one year's tribute too much. In his letter to Mr. Francis of the 25th of February, of which we enclose a copy, he says that he had never received any intimation

till the other day of the resolution of the late Board to withhold the tribute from the 7th of October 1773. Being asked from who he received this very late communication, he replies that *he really does not recollect.*

We leave it to Mr. Croftes to settle with the Governor-General in what manner the credit already given in the Khalsa Ledger is to be balanced on the other side of the account, or whether the books of the treasury are to be altered by erasure or otherwise.

At any other time, or in any other situation less embarrassed and perplexed than that in which we are now involved, we might perhaps have pushed our enquiries into these transactions with greater exactness and attention; but the difficulties we have to contend with increase upon us every day, and are attended with such personal pain and mortification as not only discourage us in the execution of our duty, but disable us from going through business in the manner we could wish; the anxiety and concern with which the Court of Directors will undoubtedly hear of the charges brought against the Governor-General cannot be greater than that which we feel in communicating them.

He now stands publicly accused of the receipt of large sums of money corruptly taken for services performed by him, or places disposed of by his influence in his office. Maharajah Nundcomar, and the Rannee of Burdwan stand forth as his accusers, and desire to be heard in support of their several charges—the former in person, the latter by her authorized servants.

On the other hand, the Governor peremptorily denies the authority of the Board to enquire into these accusations, instead of permitting his accusers to appear before him. He illegally endeavours to dissolve the Board, and repeatedly quits the chair.

Whether this method of proceeding be consistent with his real dignity, or whether the high and indignant language he constantly holds to us be that of injured innocence, are questions which we desire to have no share in deciding; we are not his accusers, nor do we desire to sit as his judges.

The services which our duty to the Company indispensably demands of us are already too painful and distressing. We will not increase the weight of them by undertaking the invidious task of sitting in judgment on our President.

In the Consultations of the 13th and 14th instant, at this and the Revenue Board, the Court of Directors will see on what grounds we have proceeded in directing the opinion of Council to be taken, with regard to the most effectual method of recovering from the Governor-General such sums of money as may appear to be due to the Company, by regular course of law.

The separation and independence of the judicial power from any connection with the supreme executive power of the State relieve us from every further duty.

In the course of our proceedings at the Revenue Board some extraordinary facts have appeared, which we think will deserve the particular attention of the Court of Directors.

1st.—Huzery Mull and Moden Dutt, the present managers of the bank, have been called upon to pay into the Khalsa treasury the amount of the collections of the Rungpore district (being about 6 lacks), taking credit for the premium and batta allowed by the institution of the bank on remittances from the district. They have declined complying with this requisition, and as there is no specific contract with them, nor security taken from them, we are not certain whether they can be legally compelled to make good their virtual engagements with the Company; on this point we do not mean at present to deliver any opinion. It seems to us that the bankers think themselves at liberty to grant bills or to refuse them for the collections in the districts, according as the remittance happens to be in their favour or against them.

2nd.—In the regulations of the 14th of May 1772, for letting the lands in farm, it is provided that each farm shall not exceed the annual amount of one lack of rupees. Huzery Mull and Moden Dutt, the present bankers, were

permitted at one time to farm the whole province of Purnia, amounting to 9 lakhs, and Cantoo Baboo, the Governor's Banian, did at one time hold, either directly or as security, a number of farms to the amount of above 13 lakhs; after enjoying the whole of these farms for two years he was permitted to relinquish three of them. Those which he still continues to hold amount to above 5 lakhs, besides which it appears that he had influence enough to procure the grant of a considerable zamindary for his son, a youth of about eleven or twelve years old, who is represented to the Court of Directors as a *man of substance and credit.*

3rd.—By the 17th article of the regulations abovementioned, it is provided that no person concerned in the collections shall be allowed to farm lands, "nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer, neither shall any European directly or indirectly be permitted to rent lands in any part of the country."

The present Naib Duan of Purnia holds in farm that province at rupees 8,00,500; Mr. Christie holds the farms of Panjera and Apole in the district of Dinagepore of the united value of about 1,20,000 rupees.

4th.—By the 10th article of the above regulations, it is provided that "the farmers shall not receive of the ryots more than the stipulated amount of the pottahs, on any pretence whatever."

It does not appear to us that pottahs have ever been granted to the ryots, or that any care has been taken to protect them against the vexations or oppressions of the farmers, or of the izadars, who manage the farms in their names.

The Governor-General has moved that the separate opinions of the Members of the Council be taken, and sent to England with the last dispatches of this season, concerning the mode which each shall judge it most expedient to adopt for the new settlement of the provinces, after the expiration of the present leases.

On this point we should be happy in being able to furnish the Court of Directors with such a clear and determinate opinion as might assist them in forming their future resolution, and as we ourselves could safely rely on.

The Governor-General has very lately declared that the "plan for letting the lands has not miscarried, and that it is still in his opinion the best that could be adopted." Yet in his observations on Mr. Francis's proposed instructions to the Provincial Councils, dated the 28th of January 1775, the Governor says, that he disapproves "of letting the lands at auction." He says that he has "tried this expedient, and found it unsuccessful, because the competitors are piqued to outbid the value of the farms, which too generally fall by this way into the hands of desperate or knavish adventurers."

We have already, in our minute of the 25th of last month, made some observations upon that plan for letting the lands, which Mr. Hastings says has not miscarried, and which is still, in his opinion, the best that could be adopted.

What future measures should be adopted, upon the expiration of the present leases, will depend very much upon the condition in which the lands are left in point of culture and population, as well as on the market or demand for the produce of the lands, as it may then exist.

At this moment we should be very much embarrassed, if we were called upon to make a new settlement of the lands, and were entrusted with power to do it.

The present system evidently leads to depopulation and loss of revenue.

In the course of three years more, we think it much to be apprehended that the continued operation of this system will have reduced the country in general to such a state of ruin and decay as no future alteration will be able to retrieve.

JOHN CLAVERING.
GEORGE MONSON.
PHILIP FRANCIS.

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Proceedings of the Secret Select Committee from 8th May to 31st May 1775.

Secret Dept. Fort William, the 8th May 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON, AND

PHILIP FRANCIS, ESQ.

MR. BARWELL, *indisposed.*

Read and approved the Consultation of the 5th instant.

Received following letter from the Maharaja Nundcomar:—

CALCUTTA, *the 8th May 1775.*

To

The HON'BLE WARREN HASTINGS, Governor-General, &c.,
Superior Council of Fort William.

HON'BLE SIR AND SIRS,—After having been honored with the confidence of the Nabob Jaffir Ally Khawn, so peculiarly the friend of the English; after having discharged the first office in the Subah; after being now ten years retired from all public employments, and having seen my son appointed to a distinguished post with the testimony (as I have been credibly informed) of the Governor's approbation of his services, that he instated my son in the post with a view to his perfecting from my experience and wisdom, I might perhaps startle the Honorable Board with an address from the common jail had I not in a degree prepared them for some fatal change in my situation by a representation I made in the month of March 1775 of the severe menaces that had been uttered against me by the Governor-General. Where the first magistrate declares his determined intention of hurting an individual to the utmost of his power, the enemies of the man so marked for destruction will eagerly grasp at an opportunity of gratifying their malice, the dissolute and the abandoned will find a sufficient inducement to persecute him from the hopes of gratifying the resentments of the man in power; and if the unhappy man so devoted have by an upright conduct made the wicked his enemies, malice and wickedness may unite their endeavours to complete his ruin. To advance a step further, should the first man in the State countenance one publicly known to be destitute of all moral principle and as publicly known to be the enemy of that person against whom he has denounced his resentment; should he treat a man of such principles with a degree of distinction far above his rank in life; should he admit him to private conferences with him; what is the wretched object of his resentment to expect, where shall he find an asylum, when the whole body of the wicked and abandoned is let loose upon him. I mean not, however, now to deprecate the Governor-General's resentment; the reason of the encouragement afforded to my enemies, and the motives to the Governor-General's resentment against me, will be sufficiently explained to the world, by the representation I have already made in a former address to the Hon'ble Board. Should my life be taken away by the flagitious charge now laid against me the facts before alluded to will remain upon record, the witnesses will be ready, and the proofs producible whenever the Governor-General has courage sufficient to hear them. A charge, which has been now these three years depending in a civil court

without the witnesses, upon whose evidence I am now committed, having been once produced or mentioned, has been laid against me by men who are marked by the public as the most turbulent and abandoned. My only intention in setting forth the services I have done, and the character I have to an advanced age supported, is to introduce my request, that I might not suffer upon such a charge from the bare accusation a punishment equal to that of death, the violation of the most sacred duties of my religion. The Honorable President, I am well assured, is fully sensible of the facts I allude to; it may be requisite to explain to the rest of the Honorable Members of the Board that the institutions of our religion strictly enjoin a number of ablutions, prayers, and other ceremonies to be performed by the sect of Brahmins before they can take any kind of food. Nothing of this can be performed in the place where I am now: and, could even these obstacles be surmounted, the place itself, as being inhabited by men of a different religion, would prevent my receiving any sustenance without breaking those rules which I have hitherto religiously observed. I therefore humbly request that I may be permitted to reside, under as strict a guard as may be judged requisite, in some place where these objections may be obviated.

I am with respect,

Honored Sir and Sirs,

Your most obedient and

most devoted humble servant,

Colonel Monson moves that the Sheriff and his Deputy be requested to attend the Board with the warrant of commitment for Nundcomar's imprisonment.

Mr. Francis and General Clavering agree to the motion.

The Governor-General.—I object to the motion as I shall do to every interference of this Board with the authority of the Judges of the Supreme Court.

Colonel Monson—I do not conceive that this motion does in the smallest degree interfere with the authority of the Supreme Court of Judicature. I do not understand that he was committed to prison by the authority of the Judges but by two of the Judges acting in their capacity as Justices of the Peace. That the warrant of the Justices of the Peace to the Sheriff was for him to take to custody of Nundcomar's person. That these Justices after having signed the warrant went to the House of the Chief Justice, from whence a note was wrote by Mr. Justice LeMaistre to Mr. Tolfrey, Under-Sheriff, acquainting him that it was their opinion, meaning the opinion of the Justices Mr. Hyde and Mr. LeMaistre, that Nundcomar should be sent to the common jail, to which jail Mr. Tolfrey immediately committed him without waiting for the orders of the Sheriff, to whom he had sent a messenger and who arrived a few minutes after he was committed.

Mr. Francis—I beg leave to inform the Board that I understand that Rajah Nundcomar, since his commitment to the common jail in consequence of the opinion of Mr. Justice LeMaistre exceeding the terms of the warrant of commitment, has taken no sustenance whatsoever, and that he cannot do it in his present situation without losing caste, which to a man of his high rank and sect is deemed a punishment worse than death. I think the motion made by Colonel Monson perfectly regular and necessary. We cannot take the prayer of the Raja's petition into consideration until we are regularly informed by what authority he is committed to the common jail. If it should appear that the warrant does not express a commitment to the common jail, but that such commitment has arisen solely from the extra judicial opinion of Mr. Justice LeMaistre, I then think it may be legally within the power of this Board to prevent the death of the Raja by relieving him from the vile confinement

under which he has been placed in the same prison with all the felons of Calcutta, and securing him in some other manner under the safe custody of the Sheriff. This I conceive may be done without any infringement of the authority of the Supreme Court of Judicature. At all events my endeavours shall not be wanting, as far as I shall think myself warranted by law, to prevent a man of his high rank perishing in a common jail for want of sustenance which he cannot take without forfeiting a religious rank and purity, which I presume from all that I have heard of the religious customs and prejudices of the Brahmins, to which sect he belongs, may be dearer to him than his life; the Raja has now, I believe, been confined upwards of forty hours, exclusive of the time taken up in his examination.

THE GOVERNOR-GENERAL—I beg leave to observe that many things have been asserted which I presume Mr. Francis gives only from report. I have not heard myself that Nundcomar is confined among common felons. I do not believe that by the principles of his religion his caste can be affected by any habitation that may be allotted him. This is a point of which the heads of the religion are only capable of judging. I understand by a note received this morning from Mr. Durham that the Judges are at this time assembled for the purpose of taking into consideration the plea of Nundcomar in this particular, and that he was desired by them to apply to me for proper persons to give them information concerning the effects which his confinement might produce on his caste, or some points of the like nature, and I in consequence directed the Superintendent of the Khalsa Records to apply to such of the Pundits as were in Calcutta and to desire them to give their attendance on the Judges.

GENERAL CLAVERING—As I understand from the letter received from Maharaja Nundcomar that the institutions of his religion enjoined to the Brahmins (of which caste he is a member) a number of ablutions and other ceremonies without the performance of which they cannot take any kind of food. I move that Cantoo Baboo, the Governor-General's Banyan, who, I understand, presides at a Cutcherry of castes, and passes judgements in this Court on all points relative to their losing their castes, be called before the Board and examined upon these particulars.

THE GOVERNOR-GENERAL,—Before the question is put I beg leave to inform the Board that I understand the Cutcherry over which Cantoo Baboo, my servant, presides has cognisance only of disputes among the lower kinds of the people, and that he presides in this Court in virtue of the immemorial usage of the settlement in the same manner that every other Chief Mutseddy or Banyan of the Governors of Calcutta have formerly done. I know not that he is qualified to judge of the question proposed. At all events his opinion can be no authority as he is neither versed in the laws of his religion nor of that sect which could entitle him to give a judicial opinion on any point respecting it. I myself am President of that Court, but I conceive myself merely a name to authenticate the acts of others, and I very frankly acknowledge my own incompetency to judge of points relating to the Gentoo religion.

MR. FRANCIS—I cannot conceive that a person who has for several years actually presided, whether in his own right or as a Deputy at a Court of Caste Cutcherry, should be ignorant of the laws of his own religion. I agree to the motion of General Clavering.

COLONEL MONSON—It cannot be supposed that the Governor-General should have such a sufficient knowledge of the Gentoo laws and customs as to be a competent judge of all the rights and mysteries of their religion, but it might have been expected that the person whom he appointed to preside under him at the Caste Cutcherry should have been a sufficient judge of the rights of his religion. Cantoo Baboo, who is the person that is said to preside over this Court, I understand to be a Banyan and a person of very low and inconsiderable family. I have understood that when the Governor-General first came into this country Cantoo Baboo served him for a salary of Rs. 15 or 20 per month; that he rose in esteem and consideration with the people as the Governor-General rose in his rank in the Company's service; that Cantoo Baboo afterwards served Mr. Sykes as Banyan when Resident at the Darbar in which

office he obtained considerable riches. When the Governor-General returned to this country he received this man again into his employ and has since entrusted him, as it is said, with the most secret springs of Government, and now allows him to preside, although he declares him insufficient, in a Court which gives the greatest consequence and has the greatest influence on the minds of the people. I should be glad to hear his opinion on Nundcomar's case, although he may not be a competent judge of it, and therefore think he should attend the Board.

Ordered that the Sheriff and his Deputy be immediately sent for.

General Clavering.—I am of opinion that no person can be so proper to inform us by what rules he decides upon conferring or losing castes as the person who presides in a cutcherry where those matters are always determined. The dangerous use that may be made of such an engine of power in the hands of a man who immediately depends on the Governor-General, and who is implicated in many of the charges we are now bringing against the administration of the Governor-General, can only be conceived by those who know the force of the superstition which prevails in this country. I am informed that this same Banyan is the secret mover of the whole conspiracy against Nundcomar jointly with Mr. Graham's moonshy and that infamous creature Camaul-ud-deen Cawn. I may venture to call him infamous because his veracity has been disproved by the oaths of three positive witnesses, and I am sorry to find that the Judges should have been so far imposed upon as to trust to the oath of such a man who is ready to give it when it can answer any particular purpose.

The Sheriff and his Deputy attending agreeably to the summons of the Board are called in and being asked for the original warrant for the commitment of Raja Nundcomar for the inspection of the Board, they deliver it as follows:—

To the Sheriff of the Town of Calcutta and Factory of Fort William in Bengal and to the Keeper of His Majesty's Prison at Calcutta.

Receive into your custody the body of Maharaja Nundcomar herewith sent you charged before us on the oaths of Mohun Persaud, Camaul-ud-deen Khan and others with feloniously uttering as true a false and counterfeit writing obligatory knowing the same to be false and counterfeit in order to defraud the executors of Bollokee Dass, deceased, and him safely keep until he shall be discharged by due course of law.

Given under our hands and seals this 6th day of May in the year of Our Lord 1775.

S. C. LeMaistre.

John Hyde. (L.S.)

Copy taken at the Board by the Secretary.

Question by Colonel Monson to the Sheriff.

Q.—Upon that warrant did you commit Raja Nundcomar to prison?

A.—I was not in town. I did not execute the warrant.

Question by Colonel Monson to the Deputy Sheriff.

Q.—Did you on this warrant commit Maharaja Nundcomar to the jail of Calcutta.

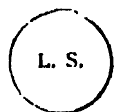
A.—I did.

Q.—Did you not subsequent to that warrant receive a note from Mr. Justice LeMaistre acquainting you that it was his opinion that Maharaja Nundcomar should be committed to the common jail.

A.—On receiving the warrant from Mr. Justice LeMaistre and Mr. Justice Hyde, which has now been read, I was going to order it to be put into

execution but Mr. Jarrett, attorney for Nundcomar, expressing a desire that he might be sent to some other place than the common jail, and delivering it as his opinion that he might as properly be confined in any other place, the Judges took it under consideration, and in answer to Mr. Jarrett's request told him that they were both of opinion he could be nowhere properly confined but in the common jail, but that for his satisfaction they would ask the opinion of the Lord Chief Justice, to whose house they were then going. In consequence of this I detained Raja Nundcomar till I knew the Lord Chief Justice's opinion and soon after received a note signed by Mr. Justice LeMaistre, which I beg leave to produce.

"Upon consultation with the Lord Chief Justice, we are all clearly of opinion that the Sheriff ought to confine his prisoner in the common gaol upon this occasion."



S. C. LeMaistre.

(Addressed)

"To Mr. Tolfrey."

Q.—Did you not acquaint Mr. Jarrett that you would not send Raja Nundcomar to jail till you heard from Mr. Mackrabie or for the space of half an hour from the time that Mr. Jarrett spoke to you?

A.—I did, Sir.

Q.—Did you send him to jail before you heard from Mr. Mackrabie?

A.—After receiving the note which has been before produced and finding the Judges to be clearly of opinion that he ought to be sent to the common jail, I did not imagine myself justified in keeping him from thence any longer.

Q.—Do you do your duty from the opinion of the Justices or by their warrant?

A.—I execute my duty agreeable to their orders, but am guided in the execution of it by their opinion.

Q.—By orders, verbal or written, do you execute your duty?

A.—I apprehend it to be my duty to execute both verbal and written orders from them.

Q.—Have you any written order to send Nundcomar to the common jail.

A.—I apprehend the warrant authorised me to send him to the common jail as I was liable to be punished for sending him anywhere else.

Q.—Does the warrant order you to send him to the common jail?

A.—I apprehend that by the warrant expressing him to be charged with felony he could be confined in no other place, the Sheriff, I imagine, not having the power of confining a felon in any other place than the common jail, and the warrant itself being directed to the Keeper of His Majesty's prison as well as to the Sheriff.

Q.—As you conceive from the warrant that you were to commit him to the common jail, why did you ask the Justices their opinion where he should be confined?

A.—I did not ask the Justices their opinion, but when Mr. Jarrett started no objection, I should of course have ordered him to be conveyed to the common jail, there being no other public place of confinement belonging to the Sheriff.

Questions by MR. FRANCIS to the Deputy Sheriff.

Q.—What was the distance of time between the delivery of the warrant to you and your committing of Nundcomar to jail?

A.—I believe about an hour and a half, but I cannot speak precisely.

Q.—How soon did you see the Sheriff after the commitment?

A.—About half an hour.

Questions by COLONEL MONSON to the Deputy Sheriff.

Q.—Are there many prisoners in jail, debtors and felons?

A.—There are many.

Q.—How many?

A.—I cannot take upon me to ascertain the number without referring to the books.

Question by MR. FRANCIS to the same.

Q.—Is the jail crowded?

A.—I am informed by the jailor that it is crowded.

To the Sheriff by MR. FRANCIS.

Q.—Do you know what conveniences or accommodation Raja Nundcomar has in the jail?

A.—He has a small room in which the jailor used to sleep, who removed his family on that account.

MR. TOLFREY, the Deputy Sheriff, adds that it is without the prison gate and has no communication with the other people in the jail.

GENERAL CLAVERING to the Deputy Sheriff.

Q.—If it is without the gate, it is not in the prison.

A.—There are two gates to the prison. When I said it was detached from the place where felons and debtors were kept, I did not mean that it was not a part of the prison: the jailor's house is always considered as a part of the jail and adjoins to it.

By the Governor-General.

Q.—Is the jailor's house within the outer gate?

A.—It is.

By MR. FRANCIS to the Sheriff.

Q.—Whether the Raja has taken any sustenance since he has been in jail?

A.—I am just informed the he has refused to take any.

Q.—Has he made any representation to you or to the jailor of the cause of his refusing to take sustenance?

A.—To me he has not; I do not know what he may have done to the jailor.

The Board having nothing further to ask the Sheriff or his Deputy, at present they are desired to withdraw.

* Mr. Francis moves that the Sheriff and his Deputy be directed to wait on the Chief Justice on the part of this Board and to represent to him the situation of the Raja Nundcomar, whose religion, as he hath informed this Board, obliges him to deny himself sustenance in the particular circumstances of his present confinement, and to desire that the Chief Justice will consider of granting the prisoner such relief as may be consistent with the strict security of his person to answer to the charges brought against him, and Mr. Francis further moves that a copy of the latter part of the Raja's petition to the Board may be delivered to the Sheriff.

Colonel Monson agrees to the motion.

General Clavering also agrees to it.

THE GOVERNOR-GENERAL—I object to the motion because the same representation may be made by the prisoner himself to the Chief Justice, and I think therefore it would be improper that it should be conveyed to him through the authority of Government.

The motion of Mr. Francis being agreed to—

The Sheriff is again called in and a written direction from the Secretary to the above effect delivered to him with a copy of the last paragraph of Raja Nundcomar's petition, on which he retired for the purpose of waiting on the Chief Justice according to his instructions.

GENERAL CLAVERING—In reply to what the Governor-General has just said I conceive that the protection of the inhabitants of Bengal is immediately trusted to our care, and that it properly belongs to us to represent to the Judges such matters as may appear to us wherein they have acted improperly, either wilfully or ignorantly. In the present instance they probably are ignorant how much a close confinement may endanger the life of this man, which is of so much importance to the public for proving an accusation which he has made of venality against the Governor-General.

THE GOVERNOR-GENERAL—The severe personal attacks which have been made upon me by every member of the Board were expected by me. To answer minutely to each would take up more time than I think it proper at this late hour of the day to occupy at this Board. I mean fully to reply to the whole at my leisure.

MR. FRANCIS—I am not conscious of having attacked the Governor-General personally, either directly or indirectly, in any shape whatsoever.

COLONEL MONSON—I do not know what the Governor-General alludes to when he charges me with a personal attack upon him. When the Governor-General delivers in his observations in this Consultation I shall then reply to the charge he may exhibit against me.

GENERAL CLAVERING—I have before in this day's Consultation replied to a similar complaint which the Governor-General has made against me.

Canto Babu attending agreeably to the order of the Board, he is called and the following questions are put to him by GENERAL CLAVERING :—

Q.—Where do you hold your Caste Cutcherry ?

A.—Opposite to the west front of this house.

Q.—What kind of cases do you take cognizance of ?

A.—All cases which respect the caste, such as of persons having lost their caste or any disputes relating to marriages.

Q.—Have you anybody to assist you in the judgements which you give on these cases ?

A.—There are a Daroga and a Mohurrir to settle small causes, and such as they cannot determine on are represented to me. Any causes of Mussulmans which cannot be decided there are referred to the Molvees of the other Court.

Q.—Is your sentence final ?

A.—I never knew an instance of an appeal to any other Court. If the persons are not satisfied with my decision they complain to the Governor.

Question by the Governor-General.

Q.—Are not your decrees all brought to me for signature?

A.—I take them to the Governor to report them to him; he signs them and also signs whatever summons are granted.

Question by GENERAL CLAVERING.

Q.—What are the punishments usually inflicted on those who have committed any great offence?

A.—It is generally customary for them to give an entertainment to their friends and to pay the expenses of the peons who are placed over them, and this is levied in proportions to their faults.

Q.—Do you ever punish by fine or imprisonment?

A.—Never by fines, but sometimes, if the person against whom a decree is passed is obstinate, he is confined for one or two days.

Q.—By whose orders do you place peons over the people?

A.—By the Governor's orders. He had directed me to acquaint him whenever a peon is placed over a delinquent.

Q.—How long have you presided at this cutcherry?

A.—From the time the Governor came to the chair. It is usual for it to be under the direction of the Governor.

Q.—Did Mr. Verelsts' or Mr. Cartier's banyans preside in that office before you?

A.—They did, and those that preceded them also. I know it from the time of Mr. Vansittart's Government, which was the time when I came to Calcutta.

Q.—Is ablution a necessary part of the Hindu religion?

A.—If a person is in health it is proper, but when a man is sick he cannot perform it.

Question by the Governor-General.

Is it held criminal if a man, when in health, does not perform his ablutions regularly?

A.—Whether it be a crime or not a crime is written in the books of the religion. I do not profess to be conversant in them.

Q.—Are you a Brahmin?

A.—No.

Q.—Are not the Brahmins enjoined to be more particularly observant in the ceremonies of their religion than the other castes?

A.—The injunction is equal upon all castes, but the Brahmins have particular orders in their books which I am not conversant in.

Q.—Are not ablutions necessary before you take your sustenance?

A.—It is customary to bathe and to pray before we take any sustenance, but in case we cannot bathe it is necessary for us to pray before we eat. Persons of a low caste eat without bathing.

Q.—If you yourself had the misfortune to be confined in a prison, would you think yourself in danger of losing your caste?

A.—Merely to be confined I should be under no apprehension for my caste, but a person confined for robbery or murder loses his caste.

Cantu Babu is now acquainted that the Board having no further questions to put he may withdraw.

Secret Dept. Fort William, the 9th May 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

THE HON'BLE GEORGE MONSON, AND

PHILIP FRANCIS, ESQ.

MR. BARWELL, *indisposed.*

Read and approved the Proceedings of yesterday.

The Secretary lays before the Board the following report from the Sheriff and his Deputy:—

CALCUTTA, *the 8th May 1775.*

SIR,—In obedience to the commands of the Honorable the Governor-General and Council, signified to us in your letter, we have waited on the Chief Justice and represented to him the situation of the Raja Nundcomar as set forth in the extract of a letter from him inclosed in yours. We at the same time signified to the Chief Justice the request of the Honorable the Governor-General and Council that he would be pleased to consider of granting the prisoner such relief as may be consistent with the strict security of his person to answer to the charges brought against him. In answer to which the Chief Justice desires us to inform the Honorable Board that Raja Nundcomar was not committed by him, and that he has no authority to interfere in the affair, there being felony expressly charged in the warrant.

We are, Sir,

Your most obedient,

humble servants,

ALEXANDER MACKRABI, *Sheriff,*

GEORGE TOLFREY, *Under-Sheriff.*

GENERAL CLAVERING—I acquaint the Board that I received a letter from Mr. Joseph Fowke, who is just come from visiting Maharaja Nundcomar, acquainting me that it is the opinion of the people who are about him that they do not think he can live another day without drink.

He says his tongue is much parched but that his spirit is firm. In the conversation that he had with the Raja, the Raja told him, don't trouble yourself about me; the will of Heaven must be complied with. I am innocent.

MR. FRANCIS—I move that the Gaoler may be sent for to inform the Board whether Raja Nundcomar has really taken no sustenance since confinement, and in what situation the Raja now is.

GENERAL CLAVERING—I agree to it.

THE GOVERNOR-GENERAL—Although I have doubts respecting the authority of the Governor and Council to summon the Gaoler to attend them, I will not oppose the question.

GENERAL CLAVERING—I think that if the Governor-General has doubts whether we have power to send for the Gaoler, he must conceive that the authority of this Government must be entirely dissolved by the Act of Parliament which has instituted the Supreme Court of Judicature, because I apprehend the power of Government over the Gaoler and the Sheriff was never doubted before till this moment by any Member of the Council.

Resolved that the Secretary do require his attendance on the Board immediately.

The Gaoler being arrived is called before the Board and asked his name.

He answered Matthew Tandel.

Questions by Mr. Francis.

Q.—Whether Raja Nundcomar has refused to take any sustenance since his commitment, and whether you believe it to be true that he has received none?

A.—I do believe it to be true that he has received none. I am sometimes out upon business, but I don't know of his having received any.

Q.—What situation is the Raja now in with respect to his health and his personal appearance?

A.—He appears to me very well, only a little dissented with the situation he is now in—low in spirits.

Q.—How many hours has the Raja been in your custody?

A.—He came in on Saturday night a little after 10; it is now past 1, so that he must have been at this time in confinement 63 hours.

The Governor-General—Have you any other prisoners of the Brahmin caste in the jail?

A.—I daresay I have, but have not enquired. We have generally of all castes in the jail.

Mr. Francis.

Q.—How many persons have you in the jail, debtors and felons?

A.—Between sixty and seventy persons.

Q.—Is it crowded?

A.—Yes, fuller than in general; we have not had it so full before. We have about twenty-two or twenty-three felons; five or six used to be a great many.

He is ordered to withdraw.

Mr. Francis moves that the information laid before the Board by General Clavering, and the further account given by the Gaoler be communicated to the Chief Justice by the Secretary on the part of this Board, and that the Secretary do wait upon him accordingly as soon as this Board is broke up.

Agreed and ordered accordingly.

Read the following letters and enclosures from Sir Elija Impey.

Calcutta, *the 9th May 1775.*

Honoured Sir and Sirs—Before your message of yesterday was delivered to me by the Sheriff, I had been informed that the Maharaja Nundcomar had on account of his religion refused to take sustenance. I immediately sent my munshy to him to acquaint him that I had given strict orders to the Keeper of the prison that his confinement should in every respect be made as easy as possible to him, and to know from him from whence his scruples arose. The answer returned to me was—*that he could not eat nor drink in a room where Christians or Mussulmen had been.* I thought it not proper to refer his case to the Judges who committed him merely on his suggestion, and to ascertain the facts I sent for the Pundits, who are the keepers of the consciences and oracles of the Gentoos. I examined them in the presence of Mr. Justice Chambers and Mr. Justice LeMaistre, who happened to be with me when I sent for the Pundits. A copy of their answers in the Bengal language and a literal translation of the same into English (marked A) I have the honour to enclose. The original signed by four Pundits (one of whom I am informed is the chief of that order of men in this country) I have preserved. They added—" It is no easy matter to lose caste. A Brahmin must eat eight times of the meal of a Mussulman before he can lose his caste. Mr. Justice Chambers and Mr. Justice

Le Maistre declare themselves perfectly satisfied with the answers of the Pundits, and that there were no grounds for altering the mode of confinement of the Maharaja.

The Maharaja has two rooms to himself, Mr. Tandel, the keeper of the gaol, having given up to him the apartments which were occupied by himself and wife. But lest I might be mistaken in the description given to me of the situation of the rooms, I prevailed on the Pundits to go to the prison and examine the apartments in which the Maharajah is confined, and from thence to certify to me whether any and what prejudice would accrue to him on account of his religion from his confinement there. A copy of their answers from thence, and a literal translation into English (marked B), accompany this; the originals signed by the four Pundits are in my possession.

The Praiesschit * or penance alluded to, if the confinement should last for forty-one days, will, as I understand, consist of an obligation to fast two days and to dispose of a sum of money less than the sum of Rs. 1,000 in charity, this they did not choose to reduce into writing, desiring to refer themselves for more accuracy as to the sum to the *Shastra*. They are to send me an extract of that book, a copy of which, when I receive it, I shall do myself the honour of transmitting to your Board.

As the message brought to me by the Sheriff was verbal, my answer, which was verbal likewise, could only be short. But I thought it proper to lay before you the information I had collected that I might not appear wanting in that attention I shall always give to any message from your Board, and likewise to prevent your Board from being further deceived by improper suggestions.

The Judges will, as far as by law they may, remit the rigor of the English law in all cases where its effects may be prejudicial to the natives on account of their religion, and perhaps in some cases would yield even to prejudices, if national and deep-rooted, but they must not suffer the pretext of religion to be set up for the purpose of eluding the ordinary course of the law.

Should the claim made by the Maharaja be allowed, it would go far towards abrogating great part of the late Act of Parliament by the difficulties which would thereby be created in the execution of the laws against a large body of people intended by the Act and by His Majesty's Charter to be subject to the jurisdiction of his court.

The Maharaja is of the caste of Brahmins; they are very numerous in Calcutta over which there is an express jurisdiction. Many of the Company's servants and most of the banians and gomasthas of His Majesty's British subjects are of that caste.

It would be a very heavy burden to the Sheriff should he be obliged to provide separate houses for each Brahmin whom it might be necessary to confine, and much more so to provide a sufficient number of officers to surround those houses to prevent escapes.

Many Brahmins are now in the common gaol. Men of higher caste than the Maharaja have been confined there. None of them have lost their caste, and this is the first complaint of the kind.

Notwithstanding these inconveniences, had the facts turned out as represented by the Maharaja, I have little doubt but that the Judges would have found out some means of giving him relief.

I am happy in this instance that the Board has given me an opportunity of vindicating the Judges from any surmise of rigor or want of humanity; but must make it my request that the Maharaja may be acquainted by the Board that if he has any further application to make for relief that he must address himself immediately to the Judges, who will give all due attention to his representations, for, should he continue to address himself to the Board, that which will and can only be obtained from principles of justice may have the appearance of being obtained by the means of influence and authority, the peculiar turn of mind of the natives being to expect everything from power and little from justice.

* Praiesschit properly Prayaschitta
Vernacularly Prayaschit, corruptly Praschitto S. Penance, expiation punishment fine
Wilson's "Glossary of Indian Terms."

I know I shall be pardoned the observation, being clearly convinced that the Board would be as cautious in furnishing grounds for, as the Judges can be jealous of, incurring the imputation.

I am with great respect,
Honored Sir and Sirs,
Your very obedient and very humble servant,
E. IMPEY.

P. S.—The Pundits have just informed by message that they are unanimously of opinion that if a straw shed was built in the inside of the prison-yard separate from any house, the Maharaja after a month's confinement would be obliged to pay Rs. 12 or thereabouts only for the purpose of feasting the Pundits and Brahmins.

OPINIONS OF THE PUNDITS UNDER THE SIGNATURE OF KISSEN JEWEN AND THE OTHER PUNDITS.

A Brahmin who is confined within four walls of a prison in which Mussulmans and others live, and is permitted to inhabit a house not under the same roof with them, though within the walls, to perform his ablutions in the water of the Ganges, and to eat and drink of things mixed with the water of that river, and who washes with and drinks of the water of the Ganges, when he is set at liberty, will not have lost his caste.

A Brahmin is purified after having committed very great crimes by washing in the Ganges, but in such a little fault as the above it is not proper to do any severe penance. Instead of washing in the River Ganges, it is only necessary for the Brahmin above described to perform the penance known by the name of Perjat Birkt, which is to do some act of devotion twelve days running, for or if the Brahmin cannot do this, he should give one milch cow in charity, but if he has no cow to give and is rich, he ought to pay five cawns of cowries (equal to one rupee and three annas), which charity must be repeated for every day he remains in such situation.

Translation of the question put to the Pundits by Sir Elijah Impey, Mr. Justice Chambers, and Mr. Justice LeMaistre, at Sir Elijah Impey's house.

If a Brahmin be confined in a prison, and a Mussulman or Englishman likewise is confined in the same prison, and eats and drinks there, but the Brahmin who is confined under the roof of the prison is in a room separate from them, and eats and drinks in his own room, does the Brahmin lose his caste or not?

Answer.—Under the signatures of Kissen Jewun Sermah, Bannisser Sermah, Kissen Gopaul Sermah, and Gowree Caunt Sermah, Pundits.) In the case above stated the Brahmin does not lose his caste, but if, in consequence of the orders of the Government, he remains in confinement, and eats and drinks, praiesschit or penance is necessary. If he is confined in a place not under the same roof, and eats and drinks, his caste shall not be lost, but a trifling praiesschit will be necessary.

Translation of the question put to the Pundits at the jail after they had been shewn every part of the place in which Maharaja Nundcomar is confined.

If a Brahmin, being in the place where you have seen Raja Nundcomar, eats and drinks or sleeps, does he lose his caste or not?

Answer—Mussulmans and others live under the same roof in a separate room, and a Brahmin cannot perform his ablutions or eat and drink in the room; but if he does perform his ablutions, and eats and drinks, he will not lose his caste, but praiesschit must be performed.

Question.—Can Maharaja Nundcomar perform his ablutions, etc., in the room in which he is confined or not? If he does perform those ceremonies, does he lose his caste?

Answer.—It is not proper for Raja Nundcomar to eat in the room in which he is confined; if he does eat his caste will not be lost, but he will be obliged to perform praiesschit.

Agreed, in consequence of the above, that it is unnecessary to send to Sir Elijah Impey the message proposed this morning. Agreed that Sir Elijah Impey's letter be replied to as follows:—

To Sir Elijah Impey, *Chief Justice of the Supreme Court of Judicature.*

Sir,—We have been favored with your letter of this date.

As the Government of the country is vested in us, we consider the natives of it as the immediate objects of our care and protection. Having received that petition from Maharajah Nundcomar, of which we had the honour to send you an extract, we thought ourselves bound, not only by our official duty, but by the obvious dictates of humanity, to communicate it as soon as possible to you, but in order to prevent that deception which you conceive we lay under, we examined the Sheriff and Deputy Sheriff with respect to the circumstances of the Raja's confinement, and afterwards put questions to the persons who act as President of the Caste Cutcherry in this city, by all which we are confirmed in thinking that the facts represented by Raja Nundcomar were true, and that his refusal to take sustenance was founded on a sincere religious prejudice. We cannot refuse to receive any petitions presented to us, and if they relate to the administration of justice we conceive we are bound by our duty to communicate them to the Judges.

Fort William,
The 9th May 1775.

WARREN HASTINGS.
JOHN CLAVERING.
GEORGE MONSON.
PHILIP FRANCIS.

— —

Secret Dept. Fort William, the 16th May 1775.

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Lieutenant-General John Clavering.

The Hon'ble George Monson.

Philip Francis, Esq.

Mr. Barwell, *indisposed.*

Read and approved the Consultation of yesterday.

— — —

Translation of the opinions of the Pundits under the signature of Kissen Jewun and five others.

If a Brahmin is confined, washes, eats, and drinks in a house where a Mussulman or others live, he must do the penance known by the name of Chundrauceu, but as that species of penance lasts for one month, and as the men of this age have not strength for so long a penance (No. 1), it has been altered, and instead of performing chundrauceu, the Brahmin must forfeit eight milch cows and their calves; but if it should so happen that the Brahmin is poor and unable to do this he must pay thirty-eight cawns and seven puns of cowries (No. 2). Having paid the Brahmins the trouble they will have in his affairs (No. 3), and having paid for the serraudo,* cleaning cake (No. 4), and fed a cow, the Brahmin is purified. The above penance is for one day and the same penance must be performed for every day he remains in confinement.

* Serrauds, properly Sráddha, vernacularly Srádh, Shrádh, Shráddha S. An obsequial ceremony in which food and water are offered to the deceased ancestors of the Sacrificer, or to the *Pitris* or Manes collectively, these ceremonies are observed on occasions of rejoicing as well as of mourning, and hence various Sráddhas are enumerated

1. Dasapinda Sraddha or Preta S. An offering of a *pinda* or ball of rice to a person deceased by the next of kin increasing the number daily for ten successive days until they amount to ten.

2. *Ekádasi* S.—Presentation of offerings to the deceased on the eleventh day after his decease, on which occasion Brahmans are fed, and the period of uncleanness for a Brahman terminates.

Wilson's "Glossary of Indian terms."

Explanation of the Pundit.

No. 1. In ancient time when men lived to the age of one thousand years, their strength was proportionably greater, and they could fast a month or more without endangering their lives, or without considering it as a very severe punishment.

No. 2. The price of a milch cow with its calf is from three to four rupees, and the value of the cowries is about eight rupees.

No 3. Seldom amounts to above two rupees.

No. 4. The cake is not valued at more than six annas.

Affidavit of General Clavering, Colonel Monson, and Mr. Francis.
Fort William, the 16th May 1775.

Whereas it has been asserted by Sir Elijah Impey, in a letter written by him to the Governor-General and Council on the 15th instant, that reports had been publicly circulated in this town that if the Judges could not be prevailed upon to release the Maharaja Nundcomar he would be delivered by force. We hereby most solemnly declare that we never ourselves conceived such an intention, nor never heard of such a design in any Member of Government or by anybody else, nor did we ever hear any mention of such a report till we read it in Sir Elijah Impey's letter above mentioned.

JOHN CLAVERING.
GEORGE MONSON.
PHILIP FRANCIS.

Sworn before me.

WARREN HASTINGS.

The Governor-General has declined giving in the affidavit as deeming it unnecessary, but " declares entire conviction and assurance that no Member of this Board ever conceived an intention of using force for the release of Maharaja Nundcomar from his imprisonment."

Secret Dept. Fort William, the 22nd May 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
THE HON'BLE GEORGE MONSON.
RICHARD BARWELL, ESQ., and
PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 16th instant.

Read a letter from the Supreme Court of Judicature as follows:—

TO THE HON'BLE WARREN HASTINGS, *Governor-General and the Gentlemen of the Council.*

HON'BLE SIR AND SIRS,—Sir Elijah Impey having communicated to the other Judges the last paragraph of your letter to him, dated on the 16th of this month, respecting the limits and exercise of the jurisdiction of the Court, a subject which equally concerns us all, and which we all concur in thinking of a very delicate and important nature, we deem it incumbent on us to inform you that we have no authority to make, extrajudicially, a more particular declaration, or description of the powers of the Court, than that which is contained in the late Act of Parliament and in His Majesty's charter.

'We shall always be desirous to obviate, as far as we legally may, any inconveniences that might ensue from the exercise of our judicial powers; and to prevent, as much as possible, every abuse of our process; and therefore, by the authority which we have to form rules of practice, we have required of every plaintiff, who applies for the King's writ to arrest a defendant, that he shall swear to some fact, by virtue of which the defendant is subject to our jurisdiction This rule, which renders the plaintiff, if he swears falsely, liable to the penalties of perjury, will, we flatter ourselves, preclude those inconveniences which you seem to apprehend.

We are Hon'ble Sir and Sirs,
Your most obedient and most
humble servants,

The 20th May 1775.

E. IMPEY.
ROBERT CHAMBERS.
S. C. LEMAISTRE.
JOHN HYDE.

Agreed that the receipt of this letter be acknowledged in that ordered to be written to the Court from the Public Department.

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MR JUSTICE LEMAISTRE and MR JUSTICE HYDE send in the following letter —

The Governor-General proposes the following question from the contents of the above letter.—Whether there are recorded on the Consultations any minutes in which Mr. Justice LeMaistre and Mr. Justice Hyde are mentioned by name, and which relate to the exertion of the authority invested in them by His Majesty's charter.

MR. FRANCIS—I find their names mentioned in the minutes, but no observations on the powers vested in them by charter.

MR. BARWELL—Yes, their names do, and respect the exercise of the authority vested in them by charter.

COLONEL MONSON—Their names are mentioned, but no observation on the authority vested in them by charter.

GENERAL CLAVERING.—I find upon examining the proceedings that the names of Mr. LeMaistre and Mr. Hyde are mentioned, and sometimes upon points which relate to the exercise of the authority vested in them by His Majesty's charter, and sometimes on points which do not relate to that authority.

THE GOVERNOR-GENERAL—The consultation of the 8th instant certainly expresses the names of Mr Justice LeMaistre and Mr. Justice Hyde, and the motion for calling the Sheriff and Deputy Sheriff before the Board on that day, with the debates which ensued upon it and the examination of the Sheriff and his Deputy, have an undoubted relation to the conduct of these gentlemen in the exercise of the authority vested in them by His Majesty's charter.

Agreed that the names of Mr. Justice LeMaistre and Mr. Justice Hyde are mentioned in the minutes and in relation to the exercise of the authority vested in them by His Majesty's charter.

The question is now put whether the Board will comply with the requisition of Mr. Justice LeMaistre and Mr. Justice Hyde by granting them copies of the proceedings above referred to.

MR. FRANCIS—As no charge has been brought against Mr. Justice Le-Maistre and Mr. Justice Hyde, nor any facts asserted which can be any material

to them to controvert, I object to furnishing them with any copies of our proceedings.

Mr. Barwell thinks their requisition should be complied with.

Colonel Monson —As it does not appear on the proceedings that there are any facts which are necessary for Mr. LeMaistre and Mr. Hyde to controvert, I think it improper that their requisition should be complied with.

General Clavering—Our proceedings are taken down for the information of the Court of Directors. When, on the examination of any person for a charge against him, any matter should be inserted there on which the party accused should think it requisite for his justification, I should be ready at all times to give my vote for extracts to be made out to be communicated to him, but in no other case whatever can we (I think) be justified in suffering our records to be delivered to anybody. If I am not mistaken a point of this kind was agitated at Madras when Sir John Lindsay, on the part of the King, made an application that certain papers should be given to him, and, if I am not mistaken, the Governor-General was one of the members of that Council and will set me right if I misquote their resolution on that occasion. Their words are: "The Company hold their rights by Act of Parliament, their papers and their records are their rights, we are entrusted with them here, we are under oath of fidelity and under covenants not to part with them, nevertheless all conditions are subservient to the laws, and, when we shall be called upon in a legal and constitutional way, we shall readily and cheerfully submit ourselves, our lives, and our fortunes to the laws of our country, but we hold them sacred and inestimable for the security of the rights and liberties of the people."

The Governor-General.—I am of opinion the requisition of Mr. Justice LeMaistre and Mr. Justice Hyde should be literally complied with, that is, such of the minutes as respect the exercise of their authority should be extracted, but with the omission of the names of the members by whom they were recorded, and copies thereof transmitted to them. The instance alluded to by General Clavering has no relation to the present question. The demand made by Sir John Lindsay to the President and Council of Fort Saint George was to be put in possession of original papers or authenticated copies of all the transactions with the Nabob of Arcot or other Princes in that country since the definitive treaty of Paris, and to give him such information relative to the war with Nizam Ally and Hyder Ally as might enable him to render a faithful account to His Majesty. I joined in the refusal to comply with this demand upon grounds which I think it unnecessary in this place to describe, and which do not apply in any manner to the present question.

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Resolved that the requisition of Messrs. LeMaistre and Hyde be not complied with, but that the following reply be sent to them :—

Gentlemen,—We are favored with your letter of the 20th instant, requir- to be furnished with copies of any minutes entered on our proceedings in which your names have been mentioned, and which may relate to the exercise of the authority invested in you by His Majesty's charter in order that you may have the opportunity of controverting the facts that may be there asserted.

In reply to which we are to inform you that in the minutes on our records where your names are mentioned there do not appear to be asserted any facts which can be necessary for you to controvert.

The minutes and resolutions recorded in our Consultations are drawn up for the information of our superiors. Where they contain formal charges against any individuals, we generally communicate them to the parties. Otherwise we deem it irregular and liable to many inconveniences to grant extracts or copies of our minutes and resolutions.

We must therefore decline complying with your resolution.

The 22nd May 1775.

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Secret Dept. **Fort William, the 25th May 1775.**

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
THE HON'BLE GEORGE MONSON.
RICHARD BARWELL, ESQ., and
PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 22nd instant.

Received and read the following letters from Mr. GORING and enclosures :—

To

The HON'BLE WARREN HASTINGS, *Governor-General, and the Gentlemen of the Council at Fort William.*

HON'BLE SIR AND SIRS,—I addressed you a letter from Plassey, which I hope you have received, and have only further to add on the subject of it that I met with no attendance whatever from thence to this place, where I arrived yesterday morning at 4 o'clock very much fatigued.

At 12 o'clock to-day I waited on the Nabob, and opened my commission to him and to the Begum, and delivered your two letters to them, which were read in the Darbar, as well as that to Rajah Gurdas, who I invested with the authority the Begum had over the Nabob and his household, after having divested her of it and fully explained both to her and the Nabob the extent of the commission you have honored me with. The Nabob expressed himself highly delighted at being delivered out of her hands. He complained to me that he had been treated with great severity by her, was denied the most trifling requests even to the necessary linen, &c., for the use of his zenana, and beetle for his own, which allowance, he says, has been shortened, and though the Begum allowed him openly 1,000 rupees a month for his expenses yet he did not receive above 400 of it till the news of my coming when it was increased to 3,000 rupees a month. He complains too that most of the ancient servants of his household have been divested of their employments, and that those who remain were about to undergo the same fate to make room for a set of people that he knew nothing of, the creatures of the Begum's eunuch Etwar Ally Khawn, and, in short, that he is kept a State prisoner, and is not suffered to go out to take any recreation whatever. He says too the eunuch had instructed the servants not to suffer him to learn anything by which he might make himself acquainted with business, and indeed I believe there is great truth in it as His Excellency seems to be ignorant of almost anything a man of his rank ought to know, not from a want of understanding, but of being properly educated.

There is a sheristah kept by one Coosal Chund on the part of Etwar Ally Khawn called likjey,* or an abstract account of all disbursements and receipts of the several dufters. Both the Nabob and Raja Gurdas think it will be necessary to seize it. I have sent for the Sheristadar, and if I can get it by fair means it is well, if not, I must take such as I find necessary as it undoubtedly belongs to the Nizamut.

At the Nabob's desire I paid my respects to the Begum, his mother. I could not help being a little surprised at the desolate state of her apartments and was informed by one of the eunuchs in waiting that though there were 300 bricklayers belong to the killa, the Begum could not get three to put them in repair.

Raja Gurdas has just informed me one Mool Chund, a jeweller, has lodged a complaint of debt against the Nabob in the Supreme Court, and wants to take out a writ for the seizing of his person. I beg you will be pleased to acquaint me what is to be done in case it should arrive here, as it will be a very extraordinary circumstance if he should be carried a prisoner to Calcutta.

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* Likjey. (Approaching) Lekhájoká-Beng. A set of accounts or written documents. Wilson's "Glossary of Indian Terms"

On the Begum's hearing that part of the letter read relating to her being removed to Meer Jaffier's house, she exclaimed against it, and said that if she was to quit the killa she would go to Calcutta. I told her this was a discretionary order and left to me if I thought it necessary, explaining to her that part of my instructions, and assuring her she would be used with the utmost respect according to your orders. I beg to know however if you will admit of her going to Calcutta, should I find it necessary to remove her from the killa, which I fear I shall from the character of the people about her, particularly Etwar Ally Khan and Roy Anoo Sing, the head of the hircarahs, who have been the chief managers since the Begum has had charge of the Nabob, and who have accumulated great wealth, particularly the former by His Excellency's account, who was raised from menial station to the one he now holds.

As the Begum hinted that there were Courts of Justice at Calcutta, and that the aggrieved could there get redress, if you think proper all orders for confining the servants who may be or are faulty shall be issued in the Nabob's name, who I apprehend has an undoubted right over them.

The accounts of the Nizamut, Bhelah, and Consumana* I sealed up under the Nabob's seal and my own, and have deposited them in an apartment of the killa till I can pitch on three Sheristadars, who I can confide in to receive them from those now in office, and explain to me whether they are true or false, I mean to be very particular on the receipt of them to have an exact account taken of each book, and seal them in such a manner that no papers may be made away with. As they are got ready I will deliver them for investigation to the gentlemen you have appointed.

I have the honor to subscribe myself,

HON'BLE SIR AND SIRS,

Your most obedient and humble servant,

C. GORING.

MOORSHEDABAD,
The 17th May 1775.

P.S.—Enclosed is a letter the Nabob has this instant desired me to forward you.

From the NABOB MOBARLK-UL-DOWLAH, received 21st May.

Your Excellency's letter informing me that the gentlemen of the Council having conceived an opinion that some irregularities had been committed in the making up the accounts of my household, and in the management of my affairs, and having judged it advisable for the interest and credit of my house to remove the Begum from the charge of affairs during the enquiry into the said accounts, they have thought proper to depute Mr. Goring, a gentleman of high rank and character in the service, to carry their intentions into execution; and placing an entire confidence on the fidelity and attainment of my Dewan, Raja Gourdas, they have reposed the trust and care of my affairs and household to him during the enquiry: that you therefore advise me to pay attention to his counsel, and that you doubt not but he will conduct himself in a manner which will be very agreeable to me, as it is your earnest wish to shew me at all times the great regard you entertain for me, was delivered to me by Mr. Goring on the 16th instant (17th May) and I received the greatest pleasure from the perusal of it.

The Gentlemen of the Council have acted very properly in the affair, and I cannot express the greatness of my obligations to them for their kindness to me. May the Almighty reward them for it by long preserving to them the blessing of prosperity. Mr. Goring's visit to me gave me the greatest pleasure.

* Consumana. Khansaman corruptly Consummah, and Consamman, H. (probably from *Khwan* pronounced *Khan*, a tray and Sámán effects) A house-steward or butler. Wilson's "Glossary of Indian Terms."

Immediately on his arrival I assembled all the officers of the Consummana, Nizamut, and Bhela in his presence. All the papers and accounts are now under seal, and the greatest care is taken to secure them. The Begum is removed from the management of affairs. God willing, this enquiry will be conducted in the best and most eligible manner for the advantage and re-establishment of the affairs of the Nizamut, and whatever is carried into execution by the advice of Raja Gourdas will be for the best. As the said Raja is ever anxious that the affairs of the Company and of my Government should be conducted in the most advantageous manner, there is no doubt but his advice will be perfectly agreeable to me.

To

The HON'BLE WARREN HASTINGS, *Governor-General, and the Gentlemen of the Council. Fort William.*

HON'BLE SIR AND SIRS,—A complaint was this day preferred to the Nabob by Emuz Ally Khan, nephew to the late Consumma, Nasarallah Khan, who died some time ago. As it was a matter belonging to the Consummana I was present at it, and by the decree given on the report of the Dewan, which I now enclose, together with the copies of the several depositions of the parties concerned, the Nabob thought proper to confine the defendant, Etwar Ally Khan, chief manager of the deposed Begum, till orders arrive from you what may be done with him. For the particulars I beg leave to refer you to the enclosed papers Nos. 1-11.

It appears from the face of the complaint that Rs. 15,000 have been illegally taken from the above Emuz and divided between Etwar Ally, the Begum, etc.

Etwar Ally Khan, on being dismissed from the Nabob's presence, made use of these remarkable words—" I am the first person begun with, but all the servants of the Nabob are concerned and will be hereafter called to an account." On going away he requested I would allow one of my people to remain with him, which I have done with the Nabob's leave and wait your further orders.

Tomorrow I shall begin to arrange the accounts for the inspection of the gentlemen you appointed to receive them ; there is a prodigious heap, and I fear it will take up a considerable time before I shall be able to get through with them. The Begum defers giving an answer to the Rs. 9, 69, 693, 15, 6¼ till they have been inspected.

I have the honor to subscribe myself,
HON'BLE SIR AND SIRS,
Your most obedient and and humble servant,
C. GORING

MOORSHEDABAD,
The 21st May 1775.

To—The HON'BLE WARREN HASTINGS, *Governor-General and Supreme Council at Fort William*

HON'BLE SIR AND SIRS,—Enclosed I send you an account of several sums given by the Begum. It is under her seal, and was delivered me by the Nabob in her apartments.

I am,
HON'BLE SIR AND SIRS,
Your most obedient and humble servant,
C. GORING.

The 22nd May 1775.

P.S.—The Begum has made herself answerable to the Nabob for any sums that may be due to him by Etwar Ally Cawn, and the Nabob has thought proper to release him from confinement.

C. GORING.

Memorandum of disbursements to English gentlemen from the Nabob's Sircar in the Bengal year 1179.

Seal of Munny Begum, mother of the Nabob Nudjeem-ud-Dowlah, deceased.

	Rs.
To the Governor Mr. Warren Hastings for an entertainment .	1,50,000
To Mr. Middleton on account of an agreement entered into by the Bahoo Begum	1,50,000
	3,00,000

Dated the 21st of Rubbee-ul-Awul or 22nd May.

To—The HON'BLE WARREN HASTINGS, *Governor-General and Supreme Council at Fort William.*

HON'BLE SIR AND SIRS,—I am desired by the Nabob (and Raja Gourdas) to acquaint you that there is not a rupee in his treasury, though he has demands on him to a very considerable amount.

I am,

HON'BLE SIR AND SIRS,

Your most obedient and humble servant,

The 22nd May 1775. C. GORING.

Before the Board proceed to take the above letters into consideration, read the following letter from the Resident at the Darbar:—

To—The HON'BLE WARREN HASTINGS, *Governor-General and Council, Fort William.*

HON'BLE SIR & SIRS,—I am favoured with your letter of the 27th ultimo. Your commands regarding the court of the Nabob shall be duly attended to, and I shall take care to give you the earliest information of all such occurrences as are in any manner, and where your interposition and authority may be more immediately necessary.

I have herewith the pleasure of transmitting you an account of the balances due to the Nabob, the Begum, &c., from the time of my taking charge of the Darbar up to the 5th of this month. The several stipends and pensions have been usually supplied by monthly payments in proportion to their whole amount, whenever there was sufficient cash in the treasury at Moorshedabad to admit of it, otherwise by drafts from the Resident on the Dinagepore Council, or the Nabob and his family were obliged to receive such parts only of these monthly proportions as could then be given to them, and wait for such further advances from the treasury as could occasionally be made from the amount of the collections. This will explain to you the nature of the balances, and account for their irregularity; in future the particular days on which any payments are made shall be specified, together with the sums to each person in the monthly Darbar treasury accounts.

His Excellency the Nabob Mubarek-ul-Dowlah is not quite seventeen years of age. With respect to his character and disposition, I have, as yet, had but few opportunities of making any remarks on his conduct, or of collecting sufficiently from my own observation to form an adequate judgement of either,

but if the general satisfaction expressed by his people and the concurrent approbation of those more immediately about his person can be received as arguments in his favour, his character stands fair and unblemished, and the mildness of his temper will always secure it from censure. Those great disadvantages, however, which the Nabob may be supposed to have laboured under from the little attention that was given to his education before his accession to the masnad are not entirely removed, nor can it be conceived that they should in so short a time, even by the most indefatigable pains and application to study; his understanding, though naturally good, requires yet more improvement, and to be more enlarged I should apprehend before he can be thought capable of taking on himself the management of his revenue and the direction of his affairs. His studies hitherto have been confined to the knowledge of the Persian language, and such accomplishments as are usually sought after by persons of his rank. Having never been instructed in any of the duties peculiar to his station in life, or expressed an inclination to be made acquainted with the direction of his own affairs, both his youth and inexperience seemed to urge the necessity of continuing them some time longer under the management and inspection of some able and judicious person. The Begum, to whom this charge was originally given, has conducted herself with such propriety and so much to the satisfaction of the Nabob, that he has frequently expressed his approbation in terms of affection, and acknowledged the obligations he owes to her care and attention to his interests, adding that it relieved him from a great deal of trouble and anxiety, and that he did not at present wish to remove the authority from her, and take it upon himself, while he knew he was incapable of transacting the business so well, and had no intelligent person at his court on whose advice he could depend, or who could afford him any assistance at a time when he should stand in so much need of it.

These sentiments of the Nabob, delivered at a time when he might reasonably suppose it would soon be put in his power to shake off the yoke if he found it disagreeable, plead strongly in favour of the Begum; and I have taken the liberty of mentioning them, as well to clear up any doubts that may have arisen to her prejudice, respecting her behaviour to the Nabob, as to evince the rectitude of her conduct in general; I have no reason to believe her views are otherwise than honourable, or that she is actuated by any other motives than such as equally tend to the safety of his person, and the advancement of his happiness.

As no complaints have ever been made me against any of the principal officers or servants of the Nizamut, I cannot accuse them of neglect of duty or impropriety in their behaviour. I shall pay a particular attention to your orders respecting their conduct, and give you the earliest information of every transaction that shall appear to be culpable.

From all the enquiries that I have been enabled to make I cannot find out that any person has had access to the Begum on any real business, and she has assured me herself that no visits have been lately paid to her, except those of ceremony only, and which she has been accustomed to receive from those gentlemen who had before paid the same compliment to the Nabob. If it is your pleasure to have a list of these, I shall take care to transmit one regularly. At the same time I shall pay the strictest attention to the instructions contained in the latter paragraph of your letter relative to any secret negotiations which may be carrying on at the Nabob's court, and I shall use my endeavours to make myself acquainted with all matters of business transacted there and acquaint you accordingly.

I have communicated both to the Nabob and Begum your instruction regarding the mode of application to the present Government, and the manner of transmitting their address, which will be punctually complied with.

I remain with the greatest respect,
HON'BLE SIR AND SIRS,
Your most obedient and humble servant,
W. B. MARTIN,
Resident at Moorshedabad.

MOORSHEDABAD,
The 5th May 1775.

Ordered that the abstract account enclosed in this letter be entered after the Consultation.

THE GOVERNOR-GENERAL—As the commission given to Mr. Goring was to receive from the Begum all the accounts of the Nizamut for eight years past, and to deliver them into the hands of gentlemen appointed to examine and report their contents to the Board, I desire that Mr. Goring may be asked in what manner he came by the account he has now sent in his letter of the 22nd instant, in which two sums only are mentioned and said to be paid to myself and Mr. Middleton, and on what account this partial selection was made by him, and to desire an explanation from the Begum of the sum laid to my charge, and that he will ask the Nabob or the Begum their reasons for delivering this separate account.

MR. FRANCIS—I think that Mr. Goring should be directed to inform the Board whether the delivery of this paper was accompanied by any explanation from the Nabob or the Begum, and if it was that he would state every circumstance to us.

MR. BARWELL has no objections to the Governor's motion.

COLONEL MONSON—I think Mr. Goring should acquaint the Board, if the Begum gave any explanation of the account, and what passed between her and him when the Nabob gave the account to him. As for the intention of the Nabob or Begum in delivering, I think it impossible that Mr Goring can be acquainted with it, unless they have communicated their sentiments to him. On this subject Mr. Goring has already acquainted the Board how he came by the paper. I therefore think it unnecessary to apply to him further on that head, and it appears to me that the account is already explained, but if the Governor-General desires it, the Begum may be asked for a more minute explanation.

GENERAL CLAVERING—I think that Mr. Goring should be applied to, to inform the Board whether the Nabob or Mony accompanied the account delivered to him by any circumstances, as the Persian word "*Zeafut*" is said to signify entertainment, and as from the declaration of Mony Begum it appears that this money was given to the Governor when he was at the city, settling the affairs of the Nizamut, I think it is most probable that it must be the same sum of a lac and a half of which Maharaja Nundcomar speaks in his letter to this Board on the 8th March last in the following words:—

"The Governor Mr. Hastings on the month Assar 1179 went from Calcutta to Moorshedabad. He remained about three months at Cossimbazar and sometimes went into the Nabob's palace. After Mr. Hastings returned from Moorshedabad to Calcutta, Mony Begum said to Raja Gourdas:—"Write word to Maharaja Nundcomar that it is proper and requisite to give one lack and fifty thousand rupees to the Governor, and beg of Maharaja to ask the Governor whether it shall be sent in ready money or by a bill of exchange" I accordingly asked Mr. Hastings, who answered "I have connections of trade in that part of the country, let the money be paid to Nurr Sing, Cantoo's brother, who is at Cossimbazar." In consequence of which I wrote to Raja Gourdas and Mony Begum that they should deliver the money to Nurr Sing, Cantoo's brother. Mony Begum, with Raja Gourdas' knowledge, in the month of Aughan 1179 paid this money to the Governor Mr. Hastings by means of Nurr Sing, aforesaid, from under the care of Chyten Ahu, cash-keeper to the Behailah R1,50,000." And therefore I am of opinion that Mr. Goring's instructions on this subject should be confined to every circumstance that passed on that occasion.

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Agreed that Mr. Goring be directed to inform the Board of every circumstance which attended the delivery of the paper, and if any explanation was given by the Nabob or the Begum of these papers, to report the whole relation, and to require of the Begum a particular explanation of the payment said to be made to the Governor-General.

The Governor-General desires that Mr. Goring may be desired to request that the Begum will deliver her explanation in writing.

Agreed to direct Mr Goring to act accordingly.

Resolved that in answer to the paragraph of the letter from Mr. Goring, dated 17th instant, wherein he mentions an application from Moolchund to the Supreme Court for a writ for seizing the Nabob's person, we can only say, that as we do not think the Nabob in any shape amenable to the jurisdiction of that Court, we must leave it to him and his ministers to pursue such measures as they may think advisable for supporting His Excellency's dignity in case any attempt should be made to offer an insult to his person. That we desire, however, Mr. Goring may caution the Nabob not to suffer any violence to be offered to the officer who may attempt to serve the writ.

Mr. Barwell enters the following dissent: "I do not perceive the necessity for or reason for this part, or whether the occasion mentioned in Mr. Goring's letter was of so pressing and important a nature as to render it proper for him to take any notice of it to us, or intimate to the Nabob, if he has done it, whether he would address us affecting the powers of the Court over the Subah's person. I do not know whether Mr. Goring has expressed a doubt to the Subah, but from the tenour of his letters I have great reason to suspect it. However this may be, I think it improper to give our advice to the Subah in what manner he should act upon an occasion which possibly may never occur. It is presupposing that attempt may be made to treat him with indignity. If the Company are to stand forth between the Nabob and any exercise of power in the Supreme Court it can be done at the period of time such interposition becomes necessary. If the Subah himself has the right of opposing the Judicature, in such instances, it may be exerted, that should be left entirely to himself and to his ministers."

General Clavering—Mr. Goring's letters appear to be only a simple report to the Board of the apprehensions the Nabob seemed to be in of being arrested. I understand that he had already applied to Mr. Farrer for his advice how he should proceed if such an attempt was made upon him. It will appear upon our records that the apprehensions of the Nabob are not entirely groundless since similar attempts upon the zemindars of this country have been made, and they have been dragged to Calcutta in consequence thereof. If the receiving a stipend from the Company be deemed sufficient reason for arresting a zemindar, equally it may be considered as valid to offer an insult to the Nabob; when the insult is once offered it will be too late for the Government to interpose. If I do not mistake Mr. Barwell was of this Board and gave his opinion for an order to be sent to the Council of Dacca to instruct Caja Cavorke, an Armenian, not to obey a writ of Habeas Corpus directed to him from the Supreme Court. I cannot help therefore thinking that an instruction to Mr. Goring as now proper to be given to him for the information of the Nabob as it was several months ago to the Dacca Council to instruct Caja Cavorke that he was no wise subject to the Supreme Court, though I understand he has been since made subject to it by one or more processes at law against him by Mr. Barwell.

Resolved that the salary lately allowed to Mony Begum as guardian to the Nabob do cease on that day on which she was divested of her employment, and that this salary be in future a saving to the Company, and that these resolutions be communicated to the Resident at the Darbar, and as a charge of having received rupees three thousand appeared against him in one of the enclosures sent down by Mr. Goring that he be called upon to justify himself of this charge.

Secret Dept. Fort William, the 31st May 1775.

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Lieutenant-General John Clavering.

The Hon'ble George Monson.

Richard Barwell, Esq.

Philip Francis, Esq.

Read and approved the Consultation of the 25th instant.

Received the following letters and enclosures from the President and Council at Bombay.

HON'BLE SIR AND GENTLEMEN,—In our address of the 31st December last, which has been already transmitted in triplicate, we acquainted you with everything needful from this Department, as well with regard to the attack of Salsette, as to the negociation depending with Raghoba, the rightful Supreme Governor of the Mahratta Empire. We have been since favoured with your letter in your Secret Department of the 16th of January, to which our abovementioned address, we flatter ourselves, will be considered by you as a full and satisfactory reply.

Shortly after the date of that address, Raghoba with his army arrived at Bradera, not very far from Surat; the negotiation with him was continued through the Chief of Surat, in the manner he before acquainted you that we proposed doing, and at length was brought so near to a conclusion that we had transmitted from hence a treaty on the terms we proposed, and had every reason to believe that it would be directly executed; jewels to the amount of six lacks of rupees were deposited by Raghoba, and the necessary sunuds were delivered for the several districts and territories the Company were to be entitled to in virtue of the treaty, and of the assistance that agreeable to the treaty we were to afford him.

Our forces accordingly proceeded from hence to Surat that they might be ready to proceed from thence to join his army as soon as the treaty was actually concluded, and we had great reason to hope that the war between Raghoba and the ministerial party, through the assistance of Company's forces, would speedily have been brought to a happy and glorious issue, by which, when accomplished, the Company will become quiet possessors of sundry districts and pergunnahs, whose annual revenue will amount to near 20 lacks of rupees, and by which we hope this Presidency may be enabled to maintain itself, and relieve you from the burden of sending us large annual supplies. And to add to our satisfaction about this time some material advantage was gained by Raghoba over the enemy's army.

This pleasing prospect was, however, for a short time clouded ; the ministerial party possibly learning that Raghoba was on the eve of concluding a treaty with the Company that would most probably overset their ambitious hopes of subduing him, corrupted, as it is supposed, a part of his forces, mostly Arabs, on whom he placed considerable reliance, and where he himself was posted; they then attacked that quarter with the strength of their army, Raghoba seeing in the midst of the battle that the Arabs neglected to do their duty, and then not knowing how far the treachery had spread, or whom in this emergency to trust, precipitately fled from the field, with about one thousand horse only, towards Cambay.

The Nabob of this place, seeing his situation and dreading the power of his enemies, refused to admit him. He then made the best of his way towards Bownagur, where he luckily met with one of our gallivats, embarked on board her, and on the 23rd ultimo arrived at Surat, where the Chief received him and entertained him as a friend and ally to the Company.

Notwithstanding this alarming step, it shortly appeared to us (Mr. Draper excepted, who has given his reasons in writing for differing with us in this opinion as per copy enclosed) that Raghoba's affairs were not nearly in the desperate situation there was at first reason to fear. Two principal Chiefs, Conde Row and Gobind Row, with many of his great officers, remain firm to his interest, and have collected an army to the number of twenty-five thousand men, mostly horse, within 40 coss of Cambay; many others are also likely soon to join him. We therefore esteem it our indispensable duty not to give up the great advantages that were to be reaped by the Company from the treaty; when so fair an opportunity offered of retrieving his affairs by sending our forces to Cambay to join his army. Raghoba earnestly pressed us to this step, and we have little doubt when a junction is once effected, but that success will attend their operations. Our forces proceeded accordingly, and arrived at Cambay the 17th instant.

We have given Lieutenant Colonel-Keating, the commanding officer of this detachment, proper instructions for his conduct; have enjoined him to

observe the utmost prudence of circumspection, and never to engage in measures beyond his own power to retrieve.

On the 6th instant, while Raghoba was yet at Surat, he executed the treaty to the Company; the Chief also executed one to him, which has been since ratified and confirmed by us, an attested copy of which we transmit your honour, &c., inclosed for your full information, and we hope it will meet with your entire approbation.

For the want of a sufficient military force we were under a necessity of stipulating, that a less number should at first proceed than was originally intended, as your honour, &c., will observe by the treaty; but the President and Council at Fort St. George, having with great readiness complied with our request for troops from thence, and two companies of European infantry being actually arrived here, and a battalion of their sepoys being shortly expected, we therefore resolved to complete the detachment of two thousand five hundred men, the number first proposed; and the remainder accordingly now proceeds to Surat, from whence they will embark for Cambay to join the former detachment. And as the different persons who form the ministerial party are reported to be very much divided amongst themselves, and that Madgee Sindy has actually deserted their cause, and others it is expected will very shortly fall from them, we therefore have reason to hope that Raghoba may in a short time be able to reduce them all to their due obedience to him.

We are, &c., &c.,
W. Hornby,
President &c., Council.

Bombay Castle,
The 31st March 1775.

Note—The treaty is to be found in Vol III. and page 24 of Aitchison's Treaties, and in Vol. I., page 211, Selections from State Papers, Bombay (Mahratta Series).

To—The Hon'ble William Hornby, President, &c., Members of the Select Committee at Bombay.

Hon'ble Sir and Sirs,—I am concerned that after concurring with you in the whole progress of the negotiations with Raghoba, and likewise in every measure relative to the intended expedition for the re-establishing him in the Government at Poona, I should think myself under the necessity of dissenting to the resolution you came to the 7th instant for ordering our troops to proceed on the expedition in conjunction with Raghoba, as soon as he may have ratified the treaty and have given us sufficient satisfaction relative to the payment of the monthly allowance for defraying the charges of the expedition agreeable to the minutes of that day. As I conceive that in consequence of Raghoba having so lately been routed and fled from his army to Surat, attended only by an inconsiderable quantity of followers, that there is a great alteration for the worse in the state of his affairs to what it was about the middle of last month, on our troops leaving Bombay, when, according to the advices we then had, he was at the head of so numerous an army as to have lately engaged the ministerial troops more than once with success, whereas from the intelligence in general we have since received from Surat, Broach, and Cambay, the forces of which his army was composed are still dispersed at a considerable distance from Cambay, and in my opinion any large number of them re-assembling and acting with the necessary spirit and firmness is become very doubtful, especially as the Company's credit (as to immediately raising cash) as well as his, is now very unfortunately known to be at a low ebb at Surat, I cannot, therefore, but consider the resolution Your Honour, &c., came to the 7th instant as premature, and of course that it would have been more advisable to have postponed it, if necessary, about twenty days, as I cannot but think that by so doing we might be qualified to come to a proper determination on very weighty an affair, both to the Hon'ble Company and Raghoba, especially for the following reasons :—

1stly.—Because, that by the above time we may reasonably hope to have a pretty certain account what number of Raghoba's forces may be able and willing to join him, and whether he may have any tolerable prospect of paying them so long as our troops may be supposed to act jointly with him.

2ndly.—That we may likewise, by the above time, hope to be at a certainty about the squadron with the expected reinforcement of troops from Madras, also the expected supply of money from Bengal, the former of which would enable us to determine whether it would have been best that the present small body of the Hon'ble Company's forces under Lieutenant-Colonel Keating, consisting of about 1,500 men, should or should not proceed with Raghoba without waiting for the reinforcement, considering the difficulty and risk of their effecting a junction afterwards. And the supply of money would enable us to relieve the Company's pressing necessities at Surat without having recourse to the pledging of Raghoba's jewels, or lowering the present very disadvantageous rate of exchange with Bengal, and also put the demands of our troops on a certainty of being answered, without which I apprehend very serious consequences may ensue.

3rdly.—That should Cambay then on the whole be thought the most eligible place for our and Raghoba's troops assembling at, the season might permit of it, and in the same time Raghoba's friends, wherever situated, could have no doubt from the continuance of our forces with him at or near Surat, that they were kept in readiness to prosecute his cause, even though it might then be judged advisable in order to be joined by the Madras troops, to have deferred proceeding with the expedition till after the rains.

4thly—Because I am of opinion that with Raghoba's concurrence at least the expedition had better be so deferred than prosecuted at this juncture, without a very reasonable prospect of their being able to carry him to Poona before the rains; and in which case the troops might remain at or near Surat, thereby affording full protection to that settlement and Broach, and be very serviceable, I conclude, in recovering the revenues of the districts to be ceded to the Company, conformable to the 11th article of the treaty, particularly those on account the monthly allowance; and during the rains I imagine good offers might be made Raghoba and us by the ministerial party for accommodating matters, if he and we should think proper to attend to them.

These were the principal reasons for my dissenting to Your Honor's, &c., above-mentioned resolution; but in case Raghoba and our troops should be enabled to set out from Surat agreeable thereto, which in consequence of Raghoba's late defeat appears to be rather improbable, Your Honor, &c., have my best wishes that your expectations therein may be fully answered.

Being with respect.

DANIEL DRAPER.

BOMBAY CASTLE,
The 11th March 1775.

A true copy,
CHAS. SKIPP,
Secretary, S. C.

Ordered that the letter agreed upon to be written in cypher to the President and Council at Bombay at the last Consultation be now withheld.

The Governor-General begs leave to record the following minute upon the subject of the above letter :—

The intelligence conveyed in these dispatches appears of such great importance to the general interests of the Company, that I think it incumbent on me to offer my particular sentiments previous to the deliberation of the Board upon it.

If the measures adopted by the Presidency of Bombay had been attended with any decisive effects I should not have judged it necessary for this Board to pass either censure or approbation upon them; but, on the contrary, I am sorry to declare that I see a tendency in them to a very extensive and indefinite scene of troubles in this Government, and all the connections of the Company in India may be eventually involved. I think, therefore, it becomes incumbent on us to interfere in such a manner as either to put a total stop to the operations, or to mark the degree of our acquiescence in them. I must

plainly declare that I regard their conduct in this instance as unseasonable, impolitic, unjust, and unauthorised.

It is unseasonable because the treaty was formed with Raghoba at a time in which he appears to have been totally abandoned by his former adherents. It was impolitic because it threw the whole burthen of the war on the Company without a force at the command of that Presidency equal to the undertaking, without money or certain resources, and because it was undertaken without any regard to the general interest of the other settlements of the Company in India. It was unjust because they had received no injury from any part of the Mahratta State which could authorise their interfering in their mutual dissensions, nor were under any actual ties to assist Raghoba. On the contrary, it appears, from their letter of the 31st December, that they were in actual treaty with those very powers against whom they have since declared war, and had even laid the foundation of it at the time in which they were making them offers of friendship. I quote the words of their letter as a proof of this: "Yet it is the furthest from our wishes to occasion a rupture between us and the Mahrattas by the steps we have been under the necessity of pursuing: the President therefore agreeable to our resolution will explain to the ministerial party at Poonah the real motives for our proceedings, and they shall be assured that in case they gain the advantage in the present contest by the overthrow of Raghoba that we shall resign the islands to them so soon as they are in a condition to defend them from the Portuguese, if they cannot be induced to cede them to us, provided also that they will give a suitable equivalent or compensation for them." And in the paragraph almost immediately following they say: "About four months ago Raghoba by means of an agent he has residing at Surat, again made proposals through the Chief of Surat for the assistance of a body of forces against his enemies the ministerial party at Poonah. As we were of opinion very material advantages might be derived for our hon'ble employers by affording him some assistance, we directed the Chief to enter upon the negociation and pointed the terms on which we might be induced to assist him with a body of Europeans, Artillery, and Infantry, and sepoys to the amount of about 2,500 men, which in consideration of the advantages the Company were to reap from the alliance we judged we might be able to spare for some few months on this service."

These opposite negociations, which must become public to the whole world, cannot fail to destroy that confidence which the powers of India have always hitherto placed in the honor and good faith of the British Government in India.

It is unauthorised because it is expressly contrary to the Act of Parliament which declares it shall not be lawful for them "to make any orders for commencing hostilities or declaring or making war against any Indian Princes or powers or for negociating or concluding any treaty of peace or other treaty with any such Indian Princes or powers without the consent and approbation of the said Governor-General and Council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General in Council might arrive, and except in such cases where the said Presidents and Councils respectively shall have received special orders from the said United Company; and any President and Council of Madras, Bombay, or Bencoolen, who shall offend in any of the cases aforesaid, shall be liable to be suspended from his or their office by the said Governor-General and Council." The exceptions above specified will nowise apply to the present case. They were in no actual danger, nor had they even the plea of a favorable crisis, the advantage of which might be lost by missing the instant opportunity to seize it. I do not therefore hesitate to pronounce that they have been guilty of a direct infringement of the Act of Parliament and the authority of this Government founded upon it.

Having thus declared my opinion on the measure itself I am compelled to add my equal disapprobation of the manner in which they have commenced the prosecution of it. By the removal of their forces to so great a distance both from

the centre of their own possessions and from the capital of the Mahratta State which I conceive ought to have been the immediate and principal object of such an enterprise, they have laid the foundation of an indefinite war, depending on a series of unconnected operations, each liable to be frustrated by a variety of probable accidents against which it does not appear that they have made any provision.

On the whole I offer it as my opinion that we ought to protest against the treaty formed by the Presidency of Bombay as invalid, and against the war as dangerous, impolitic, and unauthorsied.

Although I am thus clear in my opinion of what is past, I confess I have doubts of the part which this Government ought to take with respect to the future. It is impossible to conjecture, *amidst such a variety of probable contingencies and under our total ignorance of their plan of operations* what turn affairs may have taken or what may be their actual state at the time our orders may arrive. It is certainly to be wished they could be replaced on the same footing on which they were before their engagement with Raghoba, but this is now impossible, and to withdraw abruptly after having entered into positive engagements with one party and offended the other, perhaps beyond the hopes of reconciliation, may be attended with greater danger than prosecuting the original design and even with national dishonour. I can therefore only venture to propose that the President and Council of Bombay be peremptorily enjoined to cancel the treaty with Raghoba, and to withdraw the detachment immediately to their own possessions by whatever means may be in their power, unless any of the following cases shall have occurred, *viz.*—

1st.—That they shall have obtained any decisive advantage over the enemy.

2nd.—That the detachment shall have proceeded to such a distance or be in such a situation as to make it dangerous either to retreat or not to go on.

3rd.—That a negotiation shall have taken place between Raghoba and his opponents, in consequence of the support afforded by this alliance.

These I conceive to be all the cases of necessity which must compel them to persevere, and which I must recommend to be made exceptions to the General Order. I can form the idea of many others, but I dare not propose them ; to multiply exceptions would tend to frustrate our intentions, and I allude to these only to shew the unfortunate dilemma to which we are reduced, that we must either proceed with danger or retreat with disgrace, and have no option but that of the least evil.

The Board, concurring in the opinion of the Governor-General, excepting the articles of reservation with respect to the recall of the forces from their expedition to Cambay.

The question is put whether the recall of the troops shall be ordered without any specific exceptions.

Mr. Francis—I agree entirely with the Governor-General in disapproving the conduct of the Government of Bombay, and in protesting against all the consequences which may attend it. I think that their engaging the Company's troops in distant inland expeditions, especially without any determinate object for their operations, or limitation of time for their service, ought not to receive the least countenance or authority from us ; and that we ought to insist upon their recalling the troops without any consideration but that of their safe retreat.

Mr. Barwell—I think not.

Colonel Monson—I think they should, except the single consideration of the safety of the troops.

General Clavering—Agrees with Mr. Francis in the whole of his opinion above entered.

The Governor-General—I think not. I should propose the exceptions which are contained in the preceding minute, which I laid before the Board. Agreed that the troops be ordered to be recalled without any exception but the single consideration of their safety.

GENERAL CLAVERING—I propose that a paragraph be inserted in the letter to Bombay to acquaint the Government there that as we have directed them to quit their engagements with Raghoba and to withdraw their forces from him into their own garrisons, and as it is not lawful for them either to negociate or conclude any treaty of peace or other treaty with any Indian Prince or power without the consent of the Governor-General and Council, we will endeavour to open a negociation with the governing Mahratta power at Poona, for the re-establishment of a peace with that State upon the most advantageous terms we can for the Government at Bombay, and the other settlements of the Company in India.

But in case we are not able to open such a negotiation with the Mahratta State at Poona that we do empower them to do it. In the first place to refer the negotiation to us, but if that should not be found practicable, then to conclude a treaty of peace with the ruling power of the Mahratta State at Poona upon the most advantageous terms, having always in view the obtaining the Islands of Salsette, &c., of which they are in actual possession for the Company.

Resolved that a negotiation be accordingly opened with the Regent at Poona, and that notice thereof be given to the President and Council at Bombay with directions to encourage and receive any pacific overtures which may be made to them, and to hold as their first objects an immediate cessation of arms with the Mahrattas and a confirmation of the Islands of Salsette and Bassein to the Company.

Resolved that the following letter be written in cypher and despatched in triplicate by different conveyances to Bombay: —

To—The HON'BLE WILLIAM HORNBY, President, &c., Council at Bombay.

GENTLEMEN,—We have received yours of the 31st March, with the copy of your treaty with Raghoba enclosed and the advices of your subsequent operations.

Our duty imposes upon us the painful necessity of declaring that we totally condemn the measures which you have adopted; that we hold the treaty which you have entered into with Raghob invalid; and the war which you have undertaken against the Mahratta State impolitic, dangerous, unauthorised, and unjust; both are expressly contrary to the late Act of Parliament, and you have imposed on yourselves the charge of conquering the whole Mahratta Empire, for a man who appears incapable of affording effectual assistance in it. The plan which you have formed, instead of aiming at a decisive conquest, portends an indefinite scene of troubles, without an adequate force, without money, or certain resources to extricate you from them, nor have you the plea either of injury sustained from the party which you have made your enemy, or of any prior obligation to defend the man whose cause you have exposed; we solemnly protest against you for all the consequences, and peremptorily require you to withdraw the Company's forces to your own garrisons in whatsoever state your affairs may be, unless their safety may be endangered by an instant retreat; we leave the means of effecting this to you, but shall expect your punctual compliance with our commands.

You have neither informed us for what purpose the detachment was sent to a distance so remote from the obvious scene of its operations as Cambay, nor what plan you had concerted for their subsequent progress. You have not informed us of the situation of the places assigned you for payment of the subsidy, in whose possession they were, from whom they were to be either peaceably surrendered or taken by force, nor of the amount of the ceded island, all which points we conceive to be essentially necessary for our information.

In the dangerous consequences which we apprehend from the state in which you have placed the Company's affairs in your quarter, we scarce advert to any part of your conduct which respects merely the formal line of your duty, yet as this Government has been charged by a solemn Act of the Legislature itself, with the general interests of the Company in India and armed with a control over the other Presidencies, we cannot pass by without notice the entire disregard which you appear to have shewn to our authority.

For the past we content ourselves with leaving to you the responsibility of your own actions, but for the future in cases of the like inattention on your part, after the peremptory injunctions which we have found it necessary to prescribe for your conduct, we shall deem ourselves accountable, if we neglect to exercise the powers vested in us by the Act of Parliament for the support of the authority committed to us.

In order that nothing may be omitted on our part to extricate you from any difficulties to which your immediately relinquishing your engagement with Raghoba may expose you, it is our intention to open a negociation with the ruling party of the Mahratta State at Poona as soon as possible; we shall advise you of the measures we take for this purpose; in the mean time we direct you to receive and encourage any pacific overtures that may be proposed to you, making the instant cessation of arms, and a confirmation of your possession of the Islands of Salsette and Bassein your first object; but you are not to aim at more extensive acquisitions, nor conclude any definitive treaty without our approbation.

We are, &c., &c.

THE GOVERNOR-GENERAL—I must inform the Board that the person whom the ministerial party at Poona have constituted the Peishwa or prime minister of the Mahratta State in the place of Ragoba is an infant, and that the man who I understood has the chief conduct of their affairs is Suckeeram Baboo. I would recommend to the Board that a letter be addressed to this person signifying to him the sentiments and intention of the Board previous to the proposed negociations, which, if agreed to, I move that the following draft be written to him to that effect :—

"Understanding that the chief administration of the Mahratta State is in your hands, I have judged it expedient to address you upon the subject of the transactions which have lately passed between your Government and that of the English Company at Bombay. I am informed by letters from the Governor and Council of that place that they have entered into an offensive alliance with Ragoba and sent a large military force to support him in his pretensions to the Peishwaship of the Mahratta State. As this is contrary to the orders of the Company, which expressly enjoin the strictest forbearance of every act which may lead their servants to become the aggressors in any wars or disputes with the powers of India, and to the commands of the King of Great Britain my master, by which the other Governments and settlements of the Company are prohibited from forming treaties or engaging in hostilities without the previous concurrence of the Governor-General and Council of Bengal, orders have therefore been sent from myself and the Council aforesaid to the Governor and Council of Bombay to withdraw the forces which they have detached to the assistance of Ragoba, and to desist from all further acts of hostility with any party of the Mahratta nation unless in cases in which they shall be compelled to it in their own defence. And it is my intention to depute a proper and trusty person to Poona, which being the seat of the Mahratta empire is also contiguous to Bombay, to treat with you concerning the points of difference subsisting between the Government of Poona and that of Bombay, and to establish the conditions of a future peace and lasting friendship between both.

I shall wait for your answer to this letter before I give the Deputy his despatches, that I may be first assured it will be agreeable to you to receive him, and in the mean time I hope you will give orders for the cessation of all hostilities on your part with the forces of the English Company that no impediment may remain to the proposed pacification.

I have written this solely with a view to the restoration of peace and friendship with your nation, and the preservation of good order and consistency in the affairs of the English Company who are subject to my charge. From the report which has been universally made to me of your wisdom I have the greatest reliance on your disposition to second with heartiness my endeavours, that neither you nor I may be to blame if the event should not prove answerable to them."

Government of India Central Printing Office.—No 18 F D.—4-6-89.—500.

Proceedings of the Secret Select Committee from 6th to 26th June 1775.

Secret Dept. Fort William, the 6th June 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-COLONEL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 31st ultimo.

Mr. Francis moves that the sense of the Board may be taken whether upon occasion of the signal service rendered by Mr. Bristow to the Company in concluding a treaty with the Nabob of Oude by which the Company gain an additional revenue of nearly 30 lacks per annum, some reward ought not to be given him?

Mr. Francis thinks there ought.

Mr. Barwell thinks the same.

Colonel Monson the same, and that it ought to be 1 lack of rupees including his contingent account.

General Clavering thinks that some reward should be allowed him.

The Governor-General has no objection to the motion of Mr. Francis.

MR. FRANCIS—I think that Mr. Bristow's service deserves a lack, and that a conditional bond bearing interest at 5 per cent. from the signature of the treaty by the Nabob should be given him subject to the final approval of the Court of Directors.

MR. BARWELL—I have no objection to the reward being fixed to a lack of rupees, though the public advantages derived might with great propriety allow of a larger gratuity. I think the gratuity, whatever it may be, should be given fully and unconditionally I have no conception that the Court of Directors can disapprove of any resolution deliberately taken and calculated to create an emulation among the servants to raise the revenue of the Company.

GENERAL CLAVERING—I am of opinion that Mr. Bristow's services deserve a reward of a lack of rupees independent of any expense that he may have been at in the performance of the service which he has so well executed. Heretofore it had been usual for the servants of the Company to obtain these rewards from the Princes with whom they negociated, but, as, such rewards could not be obtained without an equivalent loss to the Company, I have no doubt but that if Mr. Bristow had been unfaithful to the trust reposed on him, he might have obtained at least three times as much from the Nabob as it is now proposed should be offered to him from this Board. However, as I do not think that the Company's servants have a right to dispose of the public money in presents without the consent of the Court of Directors, I acquiesce in Mr. Francis' opinion that a conditional bond, bearing interest at 5 per cent., should now be given him subject to the approbation of the Court of Directors. Their

approbation will, I am persuaded, give a pleasure to Mr. Bristow greater than the receipt even of the sum itself.

The Governor-General acquiesces in the motion in the terms of Mr. Francis' second minute.

Agreed that a conditional bond for 1 lack of rupees, bearing interest at 5 per cent. from the 21st May, being the day on which the treaty was signed by the Nabob, be drawn out in the same form as those granted about two years ago to Mr. Lushington and Mr. Bateman for their houses at Hougly and Mongheer and given to Mr. Bristow.

Agreed that the following letter be written to Mr. Bristow:—

To—Mr. John Bristow, Resident at the Court of the Nabob of Oude.

Sir,—We have received your letter enclosing copies of the treaty proposed to be entered into by the Company with the Nabob Asuph-ul-Dowlah and of the separate engagements executed by him. We entirely approved of every article in the treaty and the negociation of it. We have ordered two fair copies to be immediately engrossed in form, which we shall transmit to you as soon as possible with our signature and the seal of the Company affixed to each, that you may obtain the seal and signature of the Nabob in like manner and return one of them to us.

In the meantime, however, you will directly make known to the Nabob our acceptance of this treaty.

In ratifying a treaty so highly honourable and advantageous to the Company as that which you have had the honour of concluding with the Nabob, we cannot, in justice to your distinguished zeal and assiduity in the course of this important negociation, omit expressing to you the highest approbation of your conduct and returning you our thanks for the service you have rendered to the Company. The terms you have obtained are so complete and satisfactory that they equal our warmest expectations, and you may be assured that we shall not fail to represent the whole of your conduct, since your appointment, to the Hon'ble Court of Directors in that favourable light in which it appears to us, and in which we do not doubt it will be received by the Company.

As a further mark of our approbation we have agreed to order a bond to be made out in your favour for one lack of rupees, bearing interest at 5 per cent. from the 21st May, being the date of the signature of the treaty, subject to the final approval of the Hon'ble Court of Directors, to whom we shall recommend it as a just reward of your services.

We understand the 6th article of the treaty to give the Company a right to the payment of the subsidy in siccas of the present currency of Oude or in pure silver to the same amount whether the standard be hereafter altered or payment made in any other species of rupees. You will therefore adjust all future accounts with the Nabob in this manner, observing that this instruction is not in any manner to obstruct the exchange of the ratifications of the treaty, or to engage you in a dispute with the Nabob, because if he should make any objections to this mode of adjustment, we desire you will receive the payment agreeable to the manner which he may propose, and report the same to us for our determination.

We have advised Colonel Gailliez of the treaty entered into and directed him to canton the troops if he has not already done it. We judge it necessary at the same time to caution you against admitting any part of the charges of this measure to be brought into the Company's account; indeed, as the expense of cantonments has hitherto always been paid by the late Vizier, we have no doubt that the present Nabob will readily agree to it.

We are, &c.

Fort William,
The 6th June 1775.

Secret Dept. Fort William, the 8th June 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 6th instant.

The following letter from MR. JUSTICE LE MAISTRE and MR. JUSTICE HYDE, having been received, is now read:—

To—The HON'BLE WARREN HASTINGS, Governor-General, and the Gentlemen of the Council.

HON'BLE SIR AND SIRS,—We have received your answer to our letter of the 10th instant, refusing to comply with our requisition to be furnished with copies of any minutes entered on your proceedings in which our names may have been mentioned, and which may relate to the exercise of the authority vested in us by His Majesty's charter, and which minutes we have reason to imagine have been sent home to England without our having had any opportunity of controverting the facts which may be there contained. You will please to observe that we did not give you any reason why we required to be furnished with those minutes, and desire to be understood that it was not with any view of condescending to controvert those facts before your Board, but the meaning we intended to convey was, that we considered your not having offered us copies of those papers, [the facts contained in which we might controvert (if we thought proper) at home], as an uncandid proceeding and a considerable aggravation of the secret injury which we conceive to be intended to us by those minutes.

We apprehend that in a matter which concerns our own honour we are the properest persons to determine what are and what are not such facts as we deem necessary for the purpose for which we require them. It seems sufficient for our requisition that we are concerned in the contents, and upon that ground we must beg leave to renew that requisition as a matter of decency due to our stations, and which was not denied to the Under-Sheriff on his examination, against whom we do not find there either was or could be a direct charge properly cognisable by your Board. With regard to that examination we say nothing more because he was prudent enough previously to ask, and had, our express permission to attend on your Board, without which we should have deemed it great misconduct in our officer to have given to you any account of our warrant, or of any orders we thought proper to give in the execution of it, and his attendance on your summons is to be considered as his voluntary act as he was by no means compelled to obey your orders.

The copy of this examination of the Under-Sheriff, which we have seen, and the admission in your letter of the 22nd instant, which we have now before us, leaves us no room to doubt that you have thought proper to assume to yourselves a right of inquiry into our conduct and liberty of corresponding thereupon with your superiors, the Court of Directors, both of which we deem highly improper as it tends to weaken that independence without which it is impossible to administer impartial justice.

The characters of Supreme Magistrates are much too sacred to be a subject of your correspondence, and more particularly for so public a correspondence as yours is with the Court of Directors, which immediately after its arrival necessarily becomes of public notoriety, and should any insinuation or reflection on the characters of such Magistrates appear upon the face of that correspondence, we conceive it to be an offence of a very high nature much more

illegal and unwarrantable than a direct charge, and a much more serious injury to the individual, not any wise justifiable as we apprehend by the general powers invested in you by the Act of Parliament, and much less so by the instructions of your hon'ble employers who seem carefully to have avoided any interference with our authority.

In support, therefore, of the dignity of the stations in which we are placed by His Majesty's authority, we think it incumbent upon us to protest in the strongest manner against any right you may usurp to make our conduct, either individually or collectively, the object of your enquiry or animadversion, either by formal proceedings at your Board, or by words or writings to any person or persons whatsoever, declaring that we hold ourselves totally independent of any control, check, or superintendence of your Board, at all times and in all cases and circumstances whatsoever; and should there appear upon your minutes, when they come to be made public, any insinuation or reflection which may throw an imputation upon our or either of our characters, and which tends to weaken that respect which we ought to have in the eyes of the public, we shall hold every individual at your Board who joins in such defamation as personally responsible to us to the utmost extent of the law of England.

It would have been in vain, that the Legislature had abolished the Mayor's Court as having been too liable to the influence of the late President and Council, if the members of the new Administration should at any time presume upon their weight of interest at home to intimidate the Judges from daring to act contrary to the wishes and inclination of the Council under the terror of secret and partial representations of their conduct sent home under color of information to the Court of Directors but in fact intended to prejudice them in the opinion of His Majesty's Ministers, before whom those proceedings must necessarily be produced.

Just and tenacious of the great purpose for which it was His Majesty's pleasure to send us out to this country, neither the tumultuous clamor of the multitude nor the angry frown of authority shall ever move us; and whatever party warmth may at any time disturb this settlement, it is our inclination as well as our duty to preserve the most dispassionate neutrality chiefly confining ourselves to the exercise of our own powers and directly pursuing the straight path of our duty without swerving to the right hand or to the left.

We are, Hon'ble Sir and Sirs,

Your most obedient servants,

FORT WILLIAM, *The 25th May 1775.*

S. C. LE MAISTRE,
JOHN HYDE.

General Clavering, Colonel Monson, and Mr. Francis proposes that the following answer be written to Mr. Justice Le Maistre and Mr. Justice Hyde.

GENTLEMEN,—We have received your letter of the 25th instant. In answer to it we shall not imitate the style in which you have thought proper to address this Board, but shall adhere strictly to that moderation which becomes our own-dignity, and which ought to be observed in all the proceedings of public bodies and of individuals in high and public stations.

We beg leave, however, to inform you that our reply to your last letter is not so much intended for your satisfaction as for the clearance of our conduct and the information of our superiors.

1st.—We did not express, or intimate an expectation, that you would condescend to controvert any facts contained in our minutes before this Board.

2nd.—The paper granted to the Under-Sheriff was only a copy of his own examination; the minutes entered on our proceedings contain the several opinions of the Members of the Council on the immediate subject of debate. They are taken for the information of the Hon'ble Court of Directors in consequence of a particular instruction, which we apprehend the law obliges us to obey.

We do not think ourselves at liberty to grant copies of such minutes to any persons who on hearing uncertain reports may conceive themselves to be interested therein and demand a communication of them.

3rd.—We now understand for the first time that the Under-Sheriff is your officer; we had before apprehended that he was appointed by the Sheriff, from whom he receives his salary; that he was removable at the Sheriff's discretion; and that he was not a sworn officer of the Supreme Court of Judicature.

"The character of superior Magistrates are much too sacred to be a subject of our correspondence" is a question we need not enter into with you, as we have not made your characters the subject of our correspondence. Neither will we suppose a case of such violent and illegal proceeding in the Judges, collectively or individually, as might make it the indispensable duty of the executive power to endeavour to check them.

At all times, however, you may assure yourselves that we shall observe your conduct as Magistrates with an attentive eye, and that we shall not be deterred by the menace which you are pleased to hold out to us from making a due representation to our superiors of every occurrence which may appear to us to affect the welfare and good government of these provinces. If we shall neglect this duty we know not by what means His Majesty's Ministers can be informed of any irregularities which may hereafter be committed in the exercise of the powers vested in the Supreme Court of Judicature, and which, according to the doctrine laid down in your letter, might be carried to the most dangerous excess without the possibility of any immediate restraint or future remedy.

We have only to add that we wish to decline any further correspondence with you on the present subject.

We are, Gentlemen,

Your most obedient, humble servants.

Secret Dept. Fort William, the 12th June 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq., and

PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 8th instant.

The Governor-General lays before the Board the following minute and observations for their consideration:—

The sovereignty of the zemindary of Benares and its dependencies having been ceded in perpetuity to the Hon'ble Company by the fifth article of the treaty lately formed with the Nabob Asuph-ul-Dowla, it becomes immediately necessary to determine in what manner this right shall be exercised, and the regular payment of the revenue due from the Raja secured.

The Governor-General moves that this subject be taken into the consideration of the Board, and submits to their correction and approval the following plan of a settlement with Raja Cheyt Sing, to be observed until the pleasure of the Company respecting it shall be known, declaring his readiness to acquiesce in any other which may be proposed on terms by which a more effectual

provision may be made for the interests of the Company, without an encroachment on the just rights of the Raja, or the engagements actually subsisting with him.

1. That Rajah Cheyt Sing shall pay to the Treasury of the Hon'ble Company at Patna in equal monthly payments the yearly revenue of 22,48,449 Sunwant rupees, being the sum settled with the late Nabob Shuja Dowlah, and confirmed by an agreement executed by the said Nabob in presence of the President of the late Council of Fort William at Benares under date the 6th of September 1773.

2. That the Raja shall be empowered to exercise a complete and uncontrolled authority over his zemindary under the acknowledged sovereignty of the Hon'ble Company in the Government of the country dependent on him, in the collection of the revenues, and in the administration of justice.

3. That sunnuds be granted to the Raja specially conferring upon him the power of appointing officers to the charge of the Cutwally and the Mint of Benares, the latter to be subject to such orders and regulations as the Governor-General and Council shall at any time think it proper to decree.

4. That in return for these concessions, and for the performance of his duty as a vassal to the Company, the Raja shall engage to maintain in constant pay, and ready at all times for immediate service, a body of two thousand horse on such a fixed establishment as shall be prescribed by the Governor-General and Council; and that whenever the services of this corps shall be required by the Governor-General and Council, it shall be consigned to the command of such officer or officers as they shall appoint, and be allowed from the Company an additional pay or gratuity of 15 rupees per month for each private man, and in proportion for the officers of the said corps, during the time of such service.

5. That while the Raja shall continue faithful to these engagments, and punctual in his payments, and shall pay due obedience to the authority of this Government, no demands shall be made upon him by the Hon'ble Company, of any kind, or on any pretence whatsoever, nor shall any person be allowed to interfere with his authority, or to disturb the peace of his country.

Secret Dept. Fort William, the 16th June 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq., and

PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 12th instant.

Read the last letter dated the 13th instant.

To—The HON'BLE WARREN HASTINGS, Governor-General, and to the rest of the Gentlemen of the Supreme Council at Calcutta.

GENTLEMEN,—By the intelligence which I have just received, I learn that the French factory at Monnepore, which was blockaded by a detachment of your sepoys on the 23rd of last month, is still surrounded by them.

As yet nothing has happened worth being recorded in history, but the preparations which are carrying on undoubtedly declare that some great project is meditating.

I am informed that the besiegers have received a considerable reinforcement of sepoys, peons and pykes from the factory which you have in that place. It is therefore to be believed that with so formidable a power they will not fail to carry the place, whatever fine defence Mr. Sanson may make with two peons, his cook, and one servant, who compose the whole strength of the garrison. Should you take these prisoners of war, what laurels would you not reap, what an eternal monument of the moderation which guides your conduct. Our superiors in Europe, whom I shall inform of all the circumstances, shall also be judges, whether in the midst of peace you are authorised to attack (without any cause) a European nation, and if by an extravagant abuse of power and authority you are suffered to exercise such acts of hostility.

You have not only failed to pay any regard to the just and reiterated representations which I have made you upon this important affair, but by a procedure at once contrary to the civilities and to the reciprocal obligations which nations owe one another, you keep an obstinate silence on the several letters I have wrote you, although they all treat of important matters and regarding that nation who has placed me in a station which requires my being ever watchful over its interests.

It is then the nation whom you affront, and in whatever light you may place such a conduct I much doubt of its meeting with the approbation of the public.

At most it shall not discourarge me whether or no you think proper to answer the letters wrote you by the commandant on the part of His Most Christian Majesty; your silence shall not hinder me from faithfully discharging the trust reposed in me, in reclaiming the just rights of my master as often as you may happen to violate and usurp them.

If I am not so happy as to bring you back to the true principles of justice and equity, I shall at least have the satisfaction of having neglected nothing in my power, and at all events of having freed myself from reproach.

The letters which I have had the honour to write you, and to which I have so long expected answers, are as follows of the 17th and 30th April and of the 2nd, 9th, and 28th May. You have therefore had sufficient time and leisure, gentlemen, to answer them if you were equally inclined to do so.

Concerning the affair of Monnepur, when the nation has been treated with so much indignity in the person of its Chief, I demand of you, gentlemen, in the name of the King, my master, a categorical answer, which in making me finally acquainted with your sentiments will also determine me what conduct to pursue.

I likewise wait your decision regarding the trade of opium and saltpetre at Patna, which we have a right to participate in. Is it your intention to let us enjoy the share which is our due or to deprive us entirely of it?

Lastly, gentlemen, what do you say to the validity of the firmans and perwannahs (of which I sent you a copy) granted to our nation by the Emperors of Hindostan and the Nabobs of Bengal. Do you admit them as good, or do you reject them as vain rights which you do not acknowledge.

In the first case I reclaim the enjoyment of the privileges and prerogatives which they give us to their utmost extent; in the second we must appeal to the decision of our two Courts.

Your farmer at Bakergunge still continues his new and unusual exactions on our trade at that place, maltreating our agents who refuse to comply with them.

I have complained to you of it several times, but you have paid no more attention to this than to any of the rest, and so the trade continues.

Waiting your decision on all these grievances,

I have the honor to be,
Gentlemen,
Your most obedient and humble servant.
J. CHEVALIER.

CHANDERNAGORE,
The 13th June 1775.

Referred to and read the letter from the Chief and Council at Patna recorded in the Consultation 8th ultimo.

Also the remarks stated in Consultation 21st November 1770, on the subject of the claims and right of the Dutch and French Companies to a share in the trade of saltpetre and opium.

Secret Dept. Fort William, the 26th June 1775.

AT A COUNCIL, PRESENT :

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq., and

PHILIP FRANCIS, Esq.

Read and approved the Proceedings of the 22nd instant.

Title of the paper sent by the Company's Attorney, *viz.*—

"The Lord Chief Justice's reply to the Resolutions of the Governor-General in Council."

The Court with very great concern perceive that a message sent by the first officer for the purpose of preventing a correspondence, which if carried on must end in altercation, has been esteemed by the Council a want of respect in the mode of delivering it, and has produced that very altercation which in the first instance ought to be stopped. Therefore the Court will not make one single observation on the want of address to the Court on the subject-matter of their papers. Those who first end a dispute, which may be of as much consequence to the public, in our opinion act with the most dignity and deserve best of the public. The issue of this business sufficiently evinces the impropriety of the mode of application by the Governor-General and Council. If the Company thought it right to apply, there are but two modes in which it could properly be done. Though neither the Crown nor the Company have an Attorney General, the Company has a Standing Counsel, a motion might have been made by that Counsel, if they did not think proper to instruct their Counsel, but meant to address us themselves, the proper mode was by petition. It is the mode that charter has prescribed for the East India Company whose Agents the Governor-General and Council are. An appeal under the circumstance prescribed in the Act is a matter of right; to preserve that decency necessary in appellants to His Majesty's Court of Justice. The Company as well as all other appellants must not claim it but prefer an humble petition: those are the words of the charter. It is a false point of honor to decline it; there is nothing humiliating in it; it is mere matter of form. This being thus explained, to prevent any further altercations of this nature the Court must inform the Board that they cannot (respect being had to the dignity of His Majesty's Court and to the welfare of the country), receive in future any letters or messages but in that form. With respect to the application itself the Court does not esteem it any question relative to the East India Company having a power of receiving ambassadors, nor what right ambassadors, properly constituted and received by them, may be entitled to. We observe that Roya Rhada Churn states in his memorial to the Council (for what purpose we know not) that he was called upon by a summons issued by Sir E. Impey, Knight, one of His Majesty's Justices of the Peace. We must acquaint the Board that the matter laid to the charge of Roya Rhada Churn being of a public nature, and affecting the first Member of the Government in this Presidency, the Chief Justice, unwilling to act alone, called upon all his brethren for their assistance, and that the summons was signed and every order in the cause made by everyone of the Judges of the Supreme Court of Judicature after mature deliberation and an examination that took up a whole day. Roya Rhada Churn was not at that time apprized of his being invested with the sacred rights of an ambassador. Though his claim is made very late, if he is really and *boná fide* invested with such rights, they will most undoubtedly be allowed him in their full extent—the claim seems serious and deserves the attention of the Court; as it is made by the Governor-General and Council, they

know the facts upon which they claim it; the Court cannot be apprized of them. As we are confident the claim would not be made without grounds, we shall expect to be informed of the following circumstances without which we cannot determine that claim. The question appears to us to be whether the Nabob Mobarick-ul-Dowla stands in such a relation to the East India Company as to be able to send to this Presidency a public minister upon whom the rights of ambassadors can attach. Therefore we shall expect that the gentlemen who make this claim on his behalf do verify by affidavit that the Nabob Mobarick-ul-Dowlah is a sovereign independent Prince; that he is in a situation to be able to make war and peace with this settlement; that he is *Princeps sui Juris;* that he appoints his own Ministers; and performs all acts of sovereignty independently and without the control of this Government; that he is in all negociations treated as a Prince *sui juris.*

These are facts within the knowledge of the gentlemen of the Council; they can verify them, and if they do not, the Court will understand that they do not consider him as *Princeps sui juris.* It will be necessary likewise to inquire who the person is that is sent as vakeel or ambassador, and his power. We shall expect to have it verified by affidavit that a vakeel is a public minister having a right *jus revocandi domum*; where he was *commorant* at the time he was appointed vakeel and 12 months before *et cujus ditioni tunc subditus fuit.* We shall likewise expect it to be verified by the gentlemen of the Council that they have always treated and do treat Roya Radha Churn as a person invested with all those rights they claim in his behalf, and that they in no respect whatsoever consider him subject to the order and control of this Government. These matters must be cleared up otherwise the allowance of this claim may be an inlet to a grievance much complained of, the exertion of the powers of a double Government. These circumstances are pointed strongly that they may, if possible, be obviated. As a treaty is mentioned in their papers between the Hon'ble Company and Mobarick-ul-Dowlah, the Court expect that treaty to be laid before them.

"Taken from Company's Attorney, *viz.*—" The Court desires to remind the Governor-General and Council of their petitioning for such servants as they would wish to be exempt from serving on juries in future as otherwise it may be prejudicial to the business of the Company."

General Clavering, Colonel Monson, and Mr. Francis deliver into the Board the following protest:—

The Governor-General and Mr. Barwell having lately in two instances refused to sign their names to letters resolved on in Consultation, and it appearing to us that such refusal is an arbitrary act not founded in right, and capable of producing the most dangerous consequences, we have thought fit to deliver our sense of it in the most solemn manner upon record. The late Act of Parliament expressly provides " that the Governor-General and Council shall be bound and concluded by the opinion and decision of the major part of those present." We are also obliged by law to conform to the orders and instructions received from the Court of Directors wherein they are not repealed by the late Act of Parliament, which ordains that the whole civil and military Government of this Presidency shall be vested in the present Governor-General and Council, in like manner to all intents and purposes whatsoever, as the same at any time heretofore might have been exercised by late President and Council or Select Committee. The 37th Article of our instructions directs us to enter upon the Consultations all dissents, if such should at any time be made by any members of our Board, and the Hon'ble Court of Directors, in the 50th paragraph of their General letter of the 17th December (a copy of which is annexed), particularly order that "if a member of the Board thinks it proper to dissent to any resolution it is sufficient that his reasons are entered after that day's Consultation, but he must nevertheless sign the letters and orders consequent upon that Consultation."

On a serious consideration of the true intent and meaning of the Legislature, and of the Court of Directors, in establishing the preceding regulations for our guidance, it appears to us—

That the Governor-General and Council would not be bound and concluded by the decision of the majority, if any dissenting member were at liberty

to refuse his concurrence in carrying such decision into execution. That the reservation of a right to enter dissents on the Consultations implies the necessity of the dissenting member signing his name to the letters and orders of which he may disapprove, otherwise that such reservation would be superfluous.

3. That the object, both of the Legislature and of the Court of Directors, which is manifestly to give strength and effect to the operation of Government by preserving an appearance of union, even in cases where the Council may be divided in opinion, would be utterly defeated if the dissentient members were permitted to make public their disapprobation of the resolutions of the majority which are by law the acts of Government. It cannot be supposed that a Government, whereof part refuses to support the lawful resolutions of the other, will be duly obeyed or respected, and in effect we already perceive that an official letter signed by us is treated by the Chief Justice as a representation from private persons. He is pleased to say that the Court will expect that the gentlemen who make the claim on the part of the Nabob's Vakeel shall verify certain facts upon oath. Speaking officially he could not have given us an appellation which only belongs to us as constituting the Government of this country.

We think that the Governor-General and Mr. Barwell, by refusing to sign letters ordered in Council, not only act in a manner unwarranted by law and contradictory to our instructions, but that they have thereby informed the world of the dissention which unhappily subsists in this Council; and that their proceeding in this respect, united with the Governor-General's repeated attempts to dissolve the Council, and with his declaration that the acts of the majority in his absence were not the acts of the Board nor legal, has a direct and manifest tendency to a total dissolution of Government and to excite and encourage a resistance to its lawful authority.

We hereby solemnly protest against their conduct and declare that we deem them answerable to the East India Company and to the Legislature for all the fatal consequences which we think cannot fail to attend such arbitrary and illegal proceedings.

J. CLAVERING.
GEO. MONSON.
P. FRANCIS.

General Clavering, Colonel Monson, and Mr. Francis likewise lay before the Board the following minute:—As the Raja Nundcoomar, who in a letter delivered to the Board on the 11th of March, has accused the Governor-General, Mr. Hastings, of having taken several sums of money, and particularly that he had accepted two lakhs and a half of rupees of Munny Begum, one lakh of which he declared that he had himself paid to the Governor, is now convicted before the Supreme Court of Judicature of having some years ago committed a forgery, and as thereby his evidence is invalidated if not entirely impeached, it becomes necessary for the Board to take such further steps as they may think proper for the discovery and ascertainment of the facts alleged by Maharaja Nundcoomar. We therefore propose to the Board that the opinion of the Company's Standing Counsel be taken whether under the present circumstances a bill of discovery may not be filed against the Governor-General, Mr. Hastings, in order to oblige him to declare what sums of money have been received by him as presents from Munny Begum, Raja Nundcoomar, or any other person in these provinces since his appointment of President of the late Council.

J. CLAVERING.
GEO. MONSON.
P. FRANCIS.

Exd.—T. Y.

Government of India Central Printing Office.—No. 50 F. D.—20-1-89.—500.

Proceedings of the Secret Select Committee from 10th August to 28th September 1775.

Secret Dept. Fort William, the 10th August 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 31st ultimo.

The following letter and enclosure from the Supreme Court having been received since last Council was sent in circulation for the perusal of the Board.

To

The HON'BLE WARREN HASTINGS, Governor-General, and the rest of the Gentlemen of the Council.

HON'BLE SIR AND SIRS,—Thinking it necessary to write to the Honorable Court of Directors concerning the mention made of the Court and of us as individuals in your Consultations, that we might not appear to do ourselves what we complain of in you, we take the liberty of enclosing a copy of the letter we have sent your Honorable employers.

We are,

Hon'ble Sir and Sirs,

Your most obedient humble Servants,

E. IMPEY.

ROBT. CHAMBERS.

S. C. LEMAISTRE.

JOHN HYDE.

CALCUTTA,
The 2nd August 1775.

To

The Hon'ble the Court of Directors of the United Company of Merchants of England trading to the East Indies.

HON'BLE SIRS,—Having the most perfect reliance on the candour and justice of your Hon'ble Board, and being fully persuaded that you will readily afford us every assistance towards the due execution of the powers vested in us by His Majesty's charter, we cannot help submitting to your consideration a matter which, you will see by a reference to the correspondence has been the subject of some altercation between us and your principal servants at this settlement. From a misconstruction (as we conceive) of your orders your Governor-General and Council openly avow a determined purpose of watching over our conduct as magistrates with an attentive eye, and claim a right of entering their several opinions concerning acts done by us in our judicial capacity upon their Consultations for your information, as it is said, but which the——

115-119 F. D.

(charter ?) requires shall be by you transmitted to one of His Majesty's principal Secretaries of State, at the same time refuses to us copies of such minutes, whereby we might be enabled to deny facts, accidentally mis-stated, or to rectify any erroneous conclusions which might be drawn therefrom.

As we apprehend it to be clear, beyond any doubt, that your servants here have no direct right of controlling any of our proceedings, we cannot but consider any secret animadversions of this nature upon our conduct as an indirect and consequently an illegal interference with our authority, tending to weaken that independency without which it is impossible to administer impartial justice, and to produce endless jealousies between two bodies, on whose union the public welfare greatly depends.

To execute the office of Justices of the Peace in a place of such considerable magnitude, and so full of inhabitants, as the town of Calcutta, a task not ususally expected of Juges, but the whole burden of which we have taken on us for the benefit of the settlement, because the Governor-General and Council have not acted in that office, and to decide in all cases of property and personal injuries between man and man, without the intervention of a jury, are duties of the most invidious nature; the conduct of the Magistrate, instead of being scrutinized with a too jealous attention, and his conduct subjected to secret reprehension, requires the most ample confidence, and the full protection and assistance of every branch of Administration; he must not be responsible for involuntary errors, or required to enter into a justification of his conduct by every petulant suitor who thinks proper to arraign it; yet this must be perpetually the case if it is once understood that the Governor-General and Council are permitted to exercise that power which they now claim. Every disappointed suitor would become a petitioner to that Board, which would in fact be a Court of Appeal from our decisions, hearing only one of the parties and inflicting on us secret censures, which must at least render our character dubious in the eyes of His Majesty's Ministers for a considerable length of time, before we can have any opportunity to enter upon our defence. Add to this that the continual obligation of defending every act we do, howsoever regular, which these gentlemen (ignorant of the grounds of our proceedings and not supposed by their stations to be much conversant with law) may conceive to be wrong, must keep us in a perpetual state of disquiet and uneasiness, and totally take away that respect and veneration which the people ought to entertain for the persons and —— (decisions ?) of their Magistrates, of which at present we feel ourselves——————————————————————

to that confidence necessarily arising from seeing that our judgements have in every instance been unanimous, whatever representation may be made to the contrary.

For these reasons we take the liberty of requesting that you will send orders to your Governor-General and Council at Fort William for the future not to interfere with our conduct as Magistrates, either in or out of Court, or to canvass our judgements, or proceedings by public letters or by minutes entered upon their Consultations, except they should have reasons to found a direct charge against the Supreme Court, or any Justice thereof; and then we request you will direct that they do transmit to the Court or to such Justice a true copy of such charge, in a reasonable time before the departure of the ships by which it is to be transmitted to Europe, that the Court, or such Justice thereof, may have an opportunity of explaining their conduct to His Majesty through his Ministers by the same conveyance.

We have the honor to be,
Honorable Sirs,
Your most obedient and most humble servants,
E. IMPEY.
ROBT. CHAMBERS.
S. C. LeMAISTRE.
JOHN HYDE.

Fort William,
The 2nd August 1775.

The Secretary informs the Board that the following letters have been received since their last meeting and sent in circulation: a letter and enclosure from Mr. Justice Hyde and Mr. Justice LeMaistre.

Mr. Justice LeMaistre and Mr. Justice Hyde present their compliments to Mr. Stewart. They inclose a letter to the Honorable Court of Directors which they beg the favor may be forwarded by the packet in the *Northumberland.* They inclose also a copy of that letter which they will be obliged to Mr. Stewart to present to the Governor-General and Council, as the letter relates to them and they have desired to decline any further correspondence with Mr. Justice LeMaistre and Mr. Justice Hyde on the subject mentioned in the enclosed letter.

FRIDAY EVENING,
The 4th August.

TO THE HONBLE THE COURT OF DIRECTORS OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO THE EAST INDIES.

HON'BLE SIRS,—As the general letter of this date signed by all the Justices of the Supreme Court is in a great measure founded upon positions laid down by your Governor-General and Council in a letter addressed to us bearing date the 8th of June last, which closed a correspondence between us and them concerning obstructions which we met with in the due discharge of our duty, and as the true statement of these obstructions will serve greatly to demonstrate to you the necessity there is of your immediate interference and control, we have thought it incumbent on us to send you copies of that correspondence with the reasons upon which it was entered into on our parts.

When the charge of forgery was exhibited against the Maharajah Nundocomar, Mr. Justice Le Maistre happened to be the sitting Magistrate. He requested the assistance of Mr. Justice Hyde, who attended with him the whole day, upon the examination which lasted from nine in the morning till near ten at night, when no doubt of his guilt remaining in the breast of either of us, upon the evidence on the part of the Crown, a commitment in the usual form was made out, directed to the Sheriff and to the Keeper of His Majesty's prison at Calcutta. Just as we had risen and were going away, Mr. Jarrett, the company's attorney, came in and desired to be heard on the part of the prisoner. He represented to us that he was a person of very high rank, of the caste of Brahmins, and that he would be defiled and polluted if placed in the common gaol. Willing to give every indulgence to a native of his rank, we enquired if there was any more commodious prison where persons of his state and religion were usually confined, but finding that there was no such place, and deeming totally irregular what Mr. Jarrett requested, that he might be confined in a private house, we had no alternative but to order him to be sent to the common goal, but Mr. Jarrett pressing the matter very much we readily agreed to consult with the Lord Chief Justice, our brother Chambers being out of town, and that if he could suggest any other alternative we assured Mr Jarrett we should readily adopt it. We did go accordingly to His Lordship's house, and Mr. Justice LeMaistre as the Senior Justice present at the examination sent to the Under Sheriff the result of the Consultation as nearly as possible in the following words:—

SIR,—Upon consultation with the Lord Chief Justice we are all clearly of opinion that the Sheriff ought not upon this occasion to confine his prisoner in any other place than the common goal.

I am Sir, &c.,

S. C. LeMaistre.

After proceedings so tender to the prisoner and so regular in point of law, we were not a little surprised at hearing the next morning that the Council had

thought there was something so reprehensible in our conduct upon that occasion that they thought it necessary to make it a subject of very particular enquiry. The Sheriff and Under-Sheriff were summoned to the Board, our warrant of commitment and Mr. Justice Le Maistre's note were ordered to be produced, and the Under-Sheriff underwent a very long and particular examination, a copy of this examination having been granted to him at his request, and by him shown to us, it was impossible not to perceive that it was meant to insinuate that our conduct on that occasion had been unusually severe. And conceiving that such an examination would hardly have been taken without some consultation or debate upon the subject, on which our names must of course be mentioned, we conceived ourselves entitled to copies of all such minutes or consultations that might be made in consequence, in order to controvert and contradict any facts which might have been mis-stated to that Board, for without a supposition of such mis-statement of facts it was impossible for us to account for such interference in a matter so evidently within our department, and in which we had acted with so much tenderness and circumspection.

We therefore addressed the Council by letter, dated the 20th of May last, requesting copies of all minutes on their Consultations wherein our names particularly were mentioned, and which in anywise related to the exercise of the authority committed to us by His Majesty's charter. To our very great astonishment we received a peremptory refusal, and our astonishment was the greater, because that refusal was founded upon such very unsatisfactory reasons. They seemed to admit that if there was a charge they ought to send us a copy of it, but they add that in the minutes where our names are mentioned there do not appear to be any facts asserted which it can be necessary for us to controvert. We are sorry to be obliged to differ so widely from them in a plain matter of fact. We have already shown sufficient grounds for our belief that some facts must have been asserted as the groundwork of the solemn scrutiny into our conduct in the matter of the Maharaja Nundcomar; but should we be even mistaken in that idea, and that the gentlemen should have entered into that minute enquiry without any foundation whatsoever, it was impossible of them to have forgot that there was standing upon the minutes of the Revenue Department, under date the 11th of January, a positive and direct charge against Mr. Justice LeMaistre, and that there was a debate and consultation thereupon on the 20th of the same month. As our requisition was not only for copies of such minutes as concerned us jointly but for all such wherein our or either of our names have been mentioned, and which in anyway related to the authority committed to us by His Majesty's charter, copies of what passed on that subject on that day ought in justice to have been sent to us, and more especially as Mr. Justice LeMaistre had so candidly cleared up that matter through the medium of the Governor-General, though he would not condescend to enter into a correspondence with their Secretary, nor deemed himself obliged to defend his conduct before a tribunal to which he was not amenable.

As this was the first instance of the interference of the Council with the judicial authority of the Judges, and as it serves as a strong corroborating argument to justify the request made to you in our general letter, we send you, enclosed, a copy of that charge and of affidavits totally contradicting and refuting it. Had the Council been as ready to investigate the truth as they were to register upon their proceedings that paper, they need not have called upon Mr. Justice LeMaistre for any answer to it, or for the grounds of this determination, for a little consideration might have made it occur to them that the two persons alluded to in that paper, the Sircar who is said to have interpreted that oppressive order, and the Hircarrah who is supposed to have been the actual, agent to carry it into execution, were upon the spot and might easily have been examined.. Their powers as Justices of the Peace were sufficient to enable them to apprehend that Hircarrah, who could not have justified himself under pretence of such illegal orders given him by his master, nor could Mr. Justice LeMaistre have taken any offence at their adopting that mode of proceeding, as he could only have inferred from it, that they could not presume him privy to an act of such atrocious violence and oppression.

It being therefore clear to us that there were minutes upon their Consultations containing facts very material for us to controvert, we thought it necessary to our dignity to persist in a demand of a communication of those minutes, and justly alarmed at the dangerous tendency of such a secret superintending power exercised over our judicial acts, however regular and conformable to law, we wrote a second letter protesting in the warmest and strongest terms against the illegality of such proceeding. And whatever offence the gentlemen may think proper to take at the terms of that letter, we cannot conceive that as their equals we were bound to address them with any marks of particular respect, at a time when we had reason to believe they were doing what might injure our reputations most essentially in the eyes of His Majesty's Ministers to whom those minutes by the late regulations must be transmitted.

We recommend the answer of those gentlemen dated the 8th of June to your particular notice. We submit to your candour whether a tone of such haughty superiority is becoming from your servants to His Majesty's Judges. We will leave to your impartiality to determine whether we or those gentlemen have in the letters most deviated from the proper dignity or adhered most to that moderation which, the gentlemen justly remark, ought to be observed in all the proceedings of public bodies and of individuals in high and public stations.

We need make little observation upon that answer beyond what is said in our general letter. It contains doctrines of the most dangerous tendency neither founded on any rights derived from the Act of Parliament, nor on any part of those instructions from your Honorable Board, which have come to our knowledge.

If either of the two principal branches of administration, each deriving its powers from a different authority and acting independently should, taking on itself the character of protector of the natives, or on any other pretence, assume a right of interfering in the department of the other, upon a supposed necessity of which it shall conceive itself at all times to be the proper judge, the barrier of the constitution of the Presidency as now by law established, would be totally broken down, and the natural consequence would be confusion and anarchy to the affairs of the public and the Company.

We have no doubt but that by a timely interference on your part these evils will be totally prevented, and that furnished as you are with the ablest legal assistance you will be satisfied that we have not encroached on the powers of the Council, and you will be able to inform them from the best authorities that their claim of superintendence over our conduct is a total misconception of the Act of Parliament; once satisfied of that error we are persuaded they will require very little admonition from you to induce them to abstain for the future from those proceedings towards us of which hitherto we have had some reason to complain.

We ought to apologise for the length of this letter. We can only say we would not have troubled you with a separate address had we not been precluded from any further correspondence with your Governor-General and Council by the mandatory clause with which they have thought proper to conclude that letter which we have submitted to your consideration.

We have the honor to be,

with great respect, Honorable Sirs,

Your most obedient and most

humble Servants,

FORT WILLIAM; S. C. LEMAISTRE.

The 2nd August 1775. JOHN HYDE.

Secret Dept. Fort William, the 14th August 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 10th instant.

GENERAL CLAVERING—I beg leave to inform the Board that on the 4th of this month a person came to my house, who called himself a servant of Nundocomar, who sent in an open paper to me. As I imagined that the paper might contain some request that I should take some steps to intercede for him and being resolved not to make any application whatever in his favor I left the paper on my table until the 6th, which was the day after his execution, when I ordered it to be translated by my interpreter. As it appears to me that this paper contains several circumstances which it may be proper for the Court of Directors and His Majesty's Minister to be acquainted with I have brought it with me here, and desire that the Board will instruct me what I am to do with it. The title of it is a representation from Maharajah Nundocomar to the General and Gentlemen of Council.

MR. FRANCIS—As the General informs the Board that the paper contains several circumstances which he thinks it may be proper for the Court of Directors and His Majesty's Ministers to be acquainted with I would request that he may lay it before the Board.

MR. BARWELL—I really do not understand the tendency of this question, or by what authority the General thinks he may keep back or bring before the Board a paper addressed to them, or how this address came to be translated for the particular information of the General before it was presented here. If the General thinks himself authorized to suppress a paper addressed to the Gentlemen of Council, he is the only judge of that authority. For my part I confess myself to be equally astonished at the mysterious air with which this paper is brought before us, and the manner in which it came to the General's possession, as likewise at the particular explanation of every part of it, before it was brought before the Board.

If the General has a particular commission to retain this paper from the knowledge of those to whom it is addressed he alone is the proper judge how he ought to act. When the paper comes before me I shall judge of it.

GENERAL CLAVERING—If Mr. Barwell will be pleased to recur to the introduction of my minute, he will observe that I mentioned having put the paper into the hands of my Persian translator, consequently could not know the contents of it, or to whom it was addressed till it was translated. I brought it with me to the Council the first day which they met after I knew its contents, but the Board not having gone that day into the Secret Department I did not think it proper at that time to introduce it. Nobody can be answerable for the papers they may receive. All I can say is that this paper has the seal and signature of Raja Nundocomar to it and I bring it to the Board just in the form I received it, that is to say open.

COLONEL MONSON—As this paper is said to contain circumstances with which the Court of Directors and His Majesty's Ministers should be acquainted I think the General should lay it before the Board.

THE GOVERNOR-GENERAL—I do not understand this mystery. If there can be a doubt whether the paper be not already before the Board by the terms of the General's first minute upon it, I do myself insist that it be produced, if it be only to give me an opportunity of knowing the contents of an address to the

Superior Council of India excluding the first member in the title of it, and conferring that title on General Clavering, and I give it as my opinion that it ought to be produced.

GENERAL CLAVERING—I am sorry to observe that the Governor-General should have mistaken the title of this address to the Board by calling it an address to me as Governor-General when the title of it had been so recently mentioned by my saying it was addressed to the General and Gentlemen of the Council, which in my opinion does not express either by words or by inference that even that title is such as the Governor-General has mentioned; at all events I am no more answerable for the title of the paper than I am for its contents.

THE GOVERNOR-GENERAL—I did not say that the address gave the General the title of Governor-General, but meant only to imply that it conferred that title on him by mentioning him particularly, and the rest of the Council collectively.

Resolved that the paper delivered by the servant of Nundocomar to General Clavering be produced and read.

The General is accordingly requested to produce it and it is read.

N. B.—This paper is ordered to be expunged from the records by a resolution of the Board taken at the subsequent Consultation on the 16th instant.

Secret Dept. Fort William, the 16th August 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 14th instant.

The Persian translator sends in a corrected translation of the petition of the late Maharaja Nundocomar delivered in by General Clavering and entered in Consultation the 14th instant, in which the Board remark that the address is made in the usual form to the Governor-General and Council and not as was understood from the first translation of it laid before the Board.

The Governor-General moves that as this petition contains expressions reflecting on the character of the Chief Justice and Judges of the Supreme Court a copy of it may be sent to them.

MR. FRANCIS—I think that our sending a copy of the Raja Nundocomar's address to this Board to the Chief Justice and the Judges would be giving it much more weight than it deserves. I consider the insinuations contained in it against them as wholly unsupported and of a libellous nature, and if I am not irregular in this place I would move that orders should be given to the Sheriff to cause the original to be burnt publicly by the hands of the common hangman.

MR. BARWELL—I have no objections to the paper being burnt by the hands of the common hangman, but I would deliver it to the Judges agreeable to the Governor's proposition.

COLONEL MONSON.—I differ with Mr. Barwell in opinion. I think this Board cannot communicate the letter to the Judges; if they did, I think they might be liable to a prosecution for a libel; the paper I deem to have a libellous tendency, and the assertions contained in it are unsupported. I agree with Mr. Francis in opinion that the paper should be burnt under the inspection of the Sheriff by the hands of the common hangman.

General Clavering—I totally disapprove of sending to the Judges the paper, agreeably to the Governor-General's proposition, because I think it might make the members of the Board who sent it liable to a prosecution, and therefore agree with Mr. Francis that it should be delivered to the Sheriff to be burnt by the hands of the common hangman.

The Governor-General—I should have no objection to any act which should publish to the world the sense which this Board entertain of the paper in question, but it does not appear to me that such an effect will be produced by Mr. Francis' motion. The inhabitants of this settlement form but a very small class of that collective body commonly understood by that expression of the word. The petition itself stands upon our records, through which it will find its way to the Court of Directors, to His Majesty's Ministers, and in all probability will become public to the whole people of Britain. I do not however object to the motion of its being burnt.

The Board do not agree to the motion for sending a copy of the address of Maharaja Nundocomar to the Judges, but resolve that orders be sent to the Sheriff, with the original letter, to cause it to be burnt publicly by the hands of the common hangman, in a proper place for that purpose, on Monday next, declaring it to be a libel.

Mr. Francis—I beg leave to observe that by the same channel through which the Court of Directors and His Majesty's Ministers or the nation might be informed of the contents of the paper in question, they must also be informed of the reception it had met with, and the sentence passed upon it by this Board. I therefore hope that its being destroyed in the manner proposed will be sufficient to clear the characters of the Judges, so far as they appear to be attacked in that paper, and to prevent any possibility of the imputations indirectly thrown on the Judges from extending beyond this Board. I move that the entry of the address from Raja Nundocomar entered on our proceedings of Monday last be expunged.

Agreed that it be expunged accordingly and that the translations be destroyed.

Fort William, the 4th September 1775.

Secret Dept.

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Lieutenant-General John Clavering.

The Hon'ble George Monson.

Richard Barwell, Esq.

Philip Francis, Esq.

Read and approved the Consultation of the 31st ultimo.

The Supreme Court of Judicature send in the following letter:—

To

The Hon'ble Warren Hastings, Governor-General, and the Gentlemen of the Council.

Hon'ble Sir and Sirs,—A paper containing a false scandalous and malicious charge against the Judges of the Supreme Court, produced at your Board, having been by you declared a libel, and ordered to be burned by the hands of the common hangman, we return you our thanks for having shewn so due a sense of this outrage to public justice; but as we must be interested as well in the minutes introducing and condemning the paper, as in the paper itself, we

find ourselves obliged to desire that you will furnish us with a copy of the libel and of such minutes which relate to it, as stand on your Consultations, and must therefore be conveyed to England, that we may judge whether they contain any matters necessary for us to take notice of.

Knowing the satisfaction His Majesty and his Ministers, as well as the Hon'ble East India Company, who are deeply interested in the due administration of justice, must receive from the high reputation which the Supreme Court has acquired in this country, we thought we owed it to ourselves and the State to transmit to you the enclosed papers that they may stand recorded on your Consultations, which we think peculiarly proper at this time, as by promulgating the universal sense of this settlement in relation to our conduct they are a direct and public refutation of the libel, and corroborate such of your minutes as tend to vindicate our reputations.

We are,

HON'BLE SIR & SIRS,

Your obedient humble Servants,

E. IMPEY.

ROBT. CHAMBERS.

S. C. LEMAISTRE.

JOHN HYDE.

28th August 1775.

THE GOVERNOR-GENERAL—Objections having been started to the entry of the enclosures in the above letter, I move that the opinion of the Board may be taken whether the said enclosures shall be entered.

MR. FRANCIS—I object to the entry of the papers enclosed in the letter of the Judges on our records because the libel to which the papers are said to contain a direct and public refutation has been expunged, the original burnt, and I do not believe a copy of it now exists. His Majesty's Ministers and the Hon'ble East India Company should be informed of the high reputation which the Supreme Court has acquired in this country. They are at liberty to communicate such information directly from themselves; they have already addressed the Court of Directors upon points in which they thought themselves interested, and may continue to do so, but I see no reason that we should load our Consultations with copies of papers which do not come authenticated to us, and which appear to refer to facts of which we have no direct knowledge.

MR. BARWELL—I am of opinion that the request made by the Judges should be complied with, and the papers they think it necessary to communicate to the Company through this Board be entered upon the records.

THE HON'BLE GEORGE MONSON—I think it unnecessary to introduce on our proceedings the papers enclosed in the Judges' letter, as it is said to be for the purpose of refuting a libel which does not appear on our proceedings, and as the papers are not properly authenticated, and as a member of this Board I am unacquainted by what means these addresses were procured, and as I think they contain circumstances the facts of which I very much doubt, for I, as Justice of the Peace, have never issued a blank warrant nor have ever heard of any Justice having done it. The Supreme Court of Judicature have commenced a correspondence with the Court of Directors. If they think it necessary for establishing their reputation that these addresses should be known to the Court of Directors, they have the option of transmitting them, but it is unnecessary to swell our proceedings with extraneous subjects that in no manner relate to the Company's concerns.

General Clavering—I think it would be very improper to introduce upon our proceedings the enclosed papers in the letter just received from the Judges, because they mention that their reason for having sent them to us was to refute a libel which does not exist. I have besides many other objections to their standing upon our records: 1st, because one of the papers seems to authorise an imputation upon the manner in which justice has been exercised. I mean the declaration that blank warrants had been issued, which I believe to be both false and malicious, and only intended to impose upon the Court of Directors and the English nation, as if those warrants had been issued either by the Judges themselves or by some of the members of the Board acting as Justices of the Peace.

Secondly.—Because the papers themselves are not authenticated, and if they were, I see some names affixed to them, which I think would discredit any testimony of approbation which the Judges have supposed has been given to their conduct in the administration of justice. I see the names of people who have been dismissed from the Company's service; I see the names of several delinquents amongst the Banyans, who have been particularly stigmatized by this Government, for being the instrument of that corruption and venality of the particulars of which we have transmitted to the Court of Directors so circumstantial an account.

The Governor General—I am of opinion that the enclosure in the letter from the Chief Justice and Judges of the Supreme Court cannot be rejected without disrespect to the Court; with respect to the blank warrant, which expression has been objected to as being contrary to fact, I conceive that its meaning is very evident and very different from the sense in which it has been understood in two of the preceding minutes. In the address from the Free Merchants they are called blank subpœnas for the attendance of witnesses: in the address from the Armenians they are styled blank warrants for summoning any persons from all parts of the provinces, which I conceive can mean only subpœnas. In both it is expressed that an attempt has been made to introduce it into practice, but had been opposed and frustrated by the Judges of the Supreme Court. This, I believe, to be a fact and of notoriety. For the rest I shall waive in this place any further arguments upon the question as it has been determined that the enclosures shall not be entered.

General Clavering—As the Governor-General seems to suppose that the blank subpœnas and blank warrants alluded to are synonymous terms, and that they mean to express only blank subpœnas, I must beg leave to declare that I never heard that any of the former had been applied for till the affrays were over, as I believe that none of the members did. The Governor-General and Council have not interfered in the proceedings relating to the trial of Raja Nundocomar, but as I cannot suppose that the Judges would have admitted the law term "warrant" in so public a paper to stand for a subpœna without some observations upon it, I confess I should be glad to see whether they made any remarks upon it in their reply to the Armenians' address, in order to form my judgment, whether they understood the terms "warrant" and "subpœna" to have the same signification.

Resolved—That the enclosures in the letter from the Supreme Court be not inserted on the records of this Board.

Q.—Whether the Judges shall be furnished with copies of the minutes upon the libel agreeable to their request.

Mr. Francis—No.

Mr Barwell—Yes.

The Hon'ble Geo. Monson—No.

General Clavering—We have already told the Judges several times that we never give copies of our minutes to any body, that they are reserved only for the Court of Directors, for which reason I am surprised that they should

again apply for them and must now object once more to their being given to them.

THE GOVERNOR-GENERAL.—My sentiments upon this question appear very fully upon our records already, it is unnecessary to repeat them but to declare I am for the question.

RESOLVED that the Judges be not furnished with copies of the minutes upon the libel.

MR. FRANCIS—I propose the following heads of a letter to the Judges in answer to theirs—to acknowledge the receipt of their letter.

To request that they will be pleased to inform us from whom they received the information which they seem to have obtained on this and other occasions of the proceedings of this Board in our Secret Department.

That we do not think ourselves at liberty to communicate to them the minutes which may have passed on the present subject, as such minutes are drawn up solely for the information of our superiors.

That we cannot furnish them with a copy of the libel in question, having ordered the original and translation of it to be destroyed and no copy kept of either.

That as the libel is expunged from the records, we do not think it proper or necessary to enter those papers enclosed in the letter which as they say contain a direct public refutation of it.

That if they deem it necessary to inform His Majesty and his Ministers as well as the Hon'ble East India Company of the high reputation which the Supreme Court has acquired in this country, we leave it to them to follow the method they have already adopted in other instances of addressing themselves immediately to the Court of Directors, and that we send them back the enclosures.

Fort William, the 14th September 1775.

Secret Department.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Read and approved the Consultation of the 11th instant.

THE GOVERNOR-GENERAL delivers in a copy of his separate address to the Court of Directors in consequence of the proceedings of the 7th instant.

To—

THE HON'BLE THE COURT OF DIRECTORS FOR THE AFFAIRS OF THE HON'BLE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING TO THE EAST INDIES.

HON'BLE SIRS,—The occasion of this address is to vindicate my character from a most extraordinary charge which was yesterday produced against me in Council by Colonel Monson. For your information of the particulars I beg leave to send you an attested extract of the Consultation, and to recommend it to your perusal in this place.

Colonel Monson has been pleased to deny that he either meant or brought any charge against me, and the other members of the Board to whom he made his appeal have declared in the words of his question that the ques-

tions put to me by Colonel Monson did not convey a charge of high treason against me.

I will not dispute upon words. I will grant that no charge is formally against me, but I am certain that your Honorable Court and every impartial reader of these minutes will understand them as intended to convey a charge of the most criminal nature in terms which, though only implying it, are as intelligible as the most direct affirmations.

Facts may be as strongly asserted and their tendency as pointedly declared to the understanding by questions, by allusive reasonings, and other modes of insinuation as by plain and formal accusations. Their impression is the same though in the eye of the law they may differ, but they are more difficult to be worded because of the seeming ambiguity with which they are covered, and because of the necessity which they impose on the person accused of forming them into charges against himself before he can reply to them. This must be now my task. I conceive myself to be accused of—1st, maintaining a secret connection with Cossim Ally Cawn, a man not only proscribed but known to have been the most inveterate enemy of the British nation; 2nd, of having harboured, subsisted, and held a communication with his vakeel or avowed representative without the knowledge of the Board; and 3rd, of countenancing his adherents and the enemies of this Government even in the city of Calcutta.

The first of these articles is nowhere expressed, but to what else can the imputation allude which Colonel Monson says " may be thrown on my conduct by having any connection with a person in a public character who is the avowed representative of a proscribed Prince; " to what else can the following expression allude, " all the world knowing the connection that formerly has been between the Governor-General and Cossim Ally Cawn. " Or the following: " I am more particularly desirous at this juncture to have this matter clearly explained, as I perceive many of Cossim Ally Cawn's adherents and strenuous opposers of the English now standing forth as the arraigners of the conduct of this Administration, and who receive many compliments and civilities from some of the most distinguished characters in this Presidency."

Colonel Monson does not arraign me of a crime, but he calls upon me to clear my conduct from an imputation which is much the same, and though the crime is not specified the context plainly speaks it, and will justify me in having called it a crime not short of treason.

Mr. Francis is of opinion that " to receive and countenance a vakeel from a prince at war with the India Company or their allies is not an offence that would, as far as he understands the law, fall under the description of treason, " which he had before said " could only be committed against His Majesty's person." This may be a true interpretation of the law, but will not acquit me of the guilt which every honest man will ascribe to me in his heart, if I shall be found to have betrayed the trust reposed in me by plotting with the enemies of the State, whether it appertain to the King or to the Company.

It is not for me to determine on whom the sovereign power of this country depends. An offence against that power is a crime against the State; it is a crime against the King, from the fountain of whose authority all the powers of the State originally flow.

The story on which this charge is grounded is in a few words as follows:—

A few months ago Kereem Oolah, the vakeel of Cossim Ally Cawn, came to me with a verbal representation, which I had not then leisure to attend to, and directed him to come again; I have seen him once or twice since but had little conversation with him. A week or ten days ago he brought me the petition which stands at the head of the enclosed minutes, which for the reasons I have already assigned I thought it incumbent on me to lay before the Board. He at the same time represented the distressed condition of his own circumstances in such terms as excited my compassion, and I gave him the trifling sum which is mentioned in his examination, little suspecting that while I intended only an act of charity I was committing a sin against the State or abetting a traitor.

I shall not deny the connection which formerly subsisted between Cossim Ally Cawn and myself while he was the Nabob of these provinces. It is as well

known to the world as the little advantage which I made of it. More I shall not say upon this subject, unwilling to revive the remembrance of the calamities of his government or to awaken the unhappy dissensions which attended them.

It is scarce possible that you should read without alarm the declaration made by Colonel Monson that "Many of Cossim Ally Cawn's adherents and strenuous opposers of the English are now standing forth as the arraigners of the conduct of this Administration." What ideas must it excite in your minds if you can believe that the very capital of your possessions at this time swarms with the enemies of your government who receive countenance and support from the first members of it. I am happy that the same information which conveys this alarm also provides the removal of it, and that you will at the same time find the disaffected multitude which threatens the safety of your possessions reduced to the single person of Cojah Petruce, whose brother was in the service and confidence of Cossim Ally Cawn, and who was murdered by his command.

The title of vakeel has been rendered so equivocal by some late debates upon it, that I think it necessary to inform you, that Kereem Oolah, the vakeel of Cossim Ally Cawn, neither bore a *public character* nor was his *avowed representative*, but a mere attorney appointed by him to settle some pecuniary transactions between Cossim Ally Cawn and a banker.

I think it unnecessary to enter into a more minute refutation of the charge which has been produced against me. I am persuaded that what I have already said, if I have the happiness to preserve the smallest portion of your confidence, will be found sufficient to overset so extravagant an accusation, and if I supposed myself so sunk in your estimation, which your candor and indulgence to me on all former occasions forbid, as to doubt of your receiving it in that light, I fear that the most ample clear vindication of my conduct in this instance would avail me but little in support of my general character.

I am sorry to have been under the necessity of saying so much on a matter of so little direct consequence to your affairs, but I was called upon, and even in your name so abruptly, that I declared, perhaps too inconsiderately, that I would make it the subject of a special appeal. While I comply literally with my promise I acknowledge the futility of the occasion, and trust, Honorable Sirs, to your feelings, for my excuse for the effect which I have suffered it to produce upon my own.

But although I avow the unimportance of this refutation, I do not regret the opportunity which it has furnished me of setting before your eyes from this small sample the distracted state of your affairs, and the temper and objects of the members who rule your present Administration in these provinces. It is evident that from the moment of their landing their aim was by personal indignation to provoke me to resign my station, and leave them uncontrolled masters of this Government, and by accumulated attempts to blast my character to effect the same end by alienating your confidence from me. These are the principles by which they judge of almost every matter which comes before the Board of whatever nature or importance, and for the truth of this I dare appeal to any part taken at hazard of your consultations. Thus the merest trifles impede the course of business and swell the minutes of the public proceedings, and points of real consequence, which require the coolest and most temperate deliberation, and which should be directed solely to the advancement of your interests and the national honour, are warped and converted to instruments of personal violence and the support of a party system.

Some deference I might naturally have expected would be paid to the high authority by which I hold my present appointment in their personal treatment of the first member of their Council, whatever wounds they might aim at my reputation or howmuch soever they might disregard my authority. Even this respect is denied me.

The whole tenor of the extract which is herewith presented to you, affords proofs, and one most striking and indecent, in a question put at the Board by a member of the Supreme Council of India to a miserable vagrant "whether he ever received any money from the Governor-General."

But it is not of the injuries I sustain only in my own person that I complain. These I disregard. They scarcely affect me. The evils which I feel are those in which my credit suffers with your interest. I have seen all the labors of my former administration rendered abortive and my measures repealed for the sake of condemning the principles on which they were formed. Letters from all quarters lie for months unanswered, because the time of the Board is occupied in collecting proofs of my demerit, and of the virtue of my adversaries in detecting it. The business of every department stands still though the Board meet four days at least in every week and I sit in them all a passive spectator without the power of giving motion to your affairs, or for any other purpose that I know but to be the butt of everlasting contumely. The Provincial Councils wanting the confidence of their rulers suspend the most trivial matters for references to the Board, and the contagion of the capital has already infected some of them with the spirit of discord to the irreparable hurt of the collections, in the want of dispatch and regularity which is inseparable from a divided administration.

The springs of Government may yet operate for some time longer by their original powers, but there is a period at which unless new movements are given to them they must cease to act, and the whole machine fall into disorder. It is, I fear, impossible for your commands to arrive in time to prevent the danger. They may, if decisive, apply the remedy to it. I again earnestly entreat that your commands may be speedy and that they may be decisive. Prompted equally by duty and gratitude, I have hitherto resolved to bear my part in this distracted scene, and if I live I will see the end of it.

I have the honour to be with the greatest respect,

Your most obedient and
most faithful humble servant,

WARREN HASTINGS.

FORT WILLIAM,
The 8th September 1775.

THE HONORABLE GEORGE MONSON.—The Governor-General having delivered into the Board his letter of accusation to the Court of Directors against me, I think it necessary to lay before the Board my letter of justification with the reasons for my conduct, which was sent a number in the packet, as also a letter to the Earl of Rochford, His Majesty's Principal Secretary of State. I must likewise observe that the Governor's letter contains an accusation and an arraignment of the conduct of the members of this Board as well as the particular charge against me.

TO THE HONORABLE COURT OF DIRECTORS.

GENTLEMEN,—I must now lay before you the reasons which oblige me to address you in a separate letter, and make it my most earnest request that you will not only receive them with candour and indulgence, but that you will consider the substance of the enclosed papers with your most serious attention.

The Governor-General having declared on the 7th instant that he consider the questions put to him by me in that day's proceedings as amounting to a charge against him of a crime not short of high treason, and having put a stop to the public business of the Presidency in order to give himself time to address you on the subject, I flatter myself I shall not be thought unreasonably troublesome in thus intruding myself for a few moments on your more important occupations, with a view to prevent any unfavorable impressions taking place which might otherwise arise from a partial representation of this affair.

It will appear from the proceedings that I put to the Governor-General two questions, which occurred to me as naturally arising out of the business

before the Board, on the most mature deliberation. I continue fixed in my opinion of the propriety of my conduct, 1st, in the faithful discharge of the duties of the distinguished station I have the honour to hold in this country; 2ndly, in order to give the Governor-General the earliest and fullest opportunity of elucidating a subject from the general complexion of which, while remaining wholly unexplained, unfavorable conclusions might, as the affair struck, be drawn by persons uninformed. These two questions were followed by a third, which arose in consequence of one being put to me by the Governor-General.

In order that you should more fully comprehend the force of the following observation I beg leave to refer you first to the Governor-General's introductory minute and next to the arzee of Kurreem Allee. I shall then quote the questions abovementioned, as they are short, and will not take up much of your time, and of following each of them with my reasons in support of the two propositions on which I have grounded my opinion above stated.

Question 1st.—"Whether Kurreen Allee Cawn, who represents himself to be vakeel of Cossim Allee Cawn, late Nabob ot these Provinces, and who was proscribed by public proclamation, had his (the Governor-General's) permission to come to the Presidency."

The situation in which Cossim Allee Cawn stands towards the East India Company is too well known to require any comments. He is an open and declared enemy, drove out of the Provinces by force of arms, after having created a dangerous and bloody war, a price set upon his head, and excluded the dominions of our neighbouring ally, Sujah-ul-Dowlah, by a public treaty still subsisting with his son and successor. Can it be doubted then but that it became the duty of the Administration of this Presidency, on their first receiving information of the vakeel of such a person being resident here, to enquire whether or no permission had been given for his coming? Surely it cannot.

The vakeel of a Nabob or Rajah being, as I understand the word, a person to be considered as a Resident, duly authorised by letters of credence to transact business for his master with the Government where he resides, and who is usually received in that light by the Chief Magistrate of Government, if such a person, therefore, I beg leave to observe, had come with permission, it was necessary for Administration to be informed upon what political principle it had been granted him, and to answer what public purpose, if he had not, it became equally necessary for them to know it, that they might deliberate and determine on the proper mode of treating him. It would be taking up time unnecessarily, which is not my view, to use further arguments in support of a proposition so self-evident. The Governor-General having answered this question in the negative, but further saying he understood such person had been resident here some years (in which however it is observable he does not say when he first knew he was come and on what occasion.)

Question 2nd.—"Whether the Governor-General knows with whom he (the vakeel) has lived during that time, and who has subsisted him?"

I conceive it almost unnecessary for me to assert, and still more to use any arguments to prove, that I was not acting out of the line of my duty, as a member of the Administration of this Presidency, to make the inquiries contained in this question, in order to collect as far as might be such information as might lead to a discovery of the connections, business and designs of a person falling under the description before given. This would, as I conceive, be thought the duty of administration in any country where the Government is established upon the most ancient, secure, and permanent footing; how much more so then must it be in this where our authority is of so modern a date where the person who disputed not only it, but also our very existence in the country by force of arms, murdering such of our unfortunate countrymen as fell into his hands, is still in being; together with most of his principal adherents and is moreover the very person whose vakeel is now the subject of, enquiry. In a country so remote from our native one, where the native inhabitants are in number greatly more than ten thousands to one European and who are besides universally known and acknowledged to be a people of the most subtle and refined cunning, of the deepest intrigue and amongst whom plots

assassinations, and revolutions have been both more frequently and successfully planned and executed than amongst any other in the known world. If it was consistent then with the duties of my station to make the inquiries before mentioned, the first part of my original proposition is thus far proved; to prove the second it remains for me to show that the Governor-General was the proper person of whom to make such inquiries, and this I conceive he was for the following reasons: first, that as the person who received the arzee from the vakeel's own hands and introduced it in Council, he might be presumed best able to give some account of its author, for which reasons I should have made the like inquiries of any other person who might have introduced it, even had he been the most obscure individual; secondly, that as Governor-General he ought, and must be presumed on all occasions to have the earliest and best intelligence of all suspected persons within the limits of the Presidency and the more especially so, in this case in particular, as by his answer to the first question he appears to have known that this vakeel had been resident here some years, and therefore, as I submit it to you, gentlemen, might well be presumed to have made such inquiries at the time he received that information as I, in the proceedings of yesterday, made of him.

Question 3rd.—" Whether the Governor-General thinks a proscribed prince has a right to send a vakeel to reside here, as the Governor-General has represented in one of his former answers, to his knowledge sometime without his having mentioned it on the Board "?

This question arises out of and is in consequence of the Governor-General's answers to the former ones, and that at the time I put such former ones I did suppose either that this vakeel had had due permission for coming in that character to this Presidency, for which, if he had, I doubted not but that the Governor-General would be able to give a sufficient reason, or if he had not, I presumed the Governor-General had informed the Board of his coming, so soon as he had been informed of it. Had either of these been the case, by giving the Governor-General the earliest opportunity of publicly stating the same his conduct on the occasion might, as I conceived, have been freed from every imputation, which might otherwise have been thrown upon it while either of these matters remained anyways in suspense. If the Governor-General's answers did not come up to my expectations, in either of the above particulars, did I for that reason become reprehensible for having asked the questions, or he for not satisfactorly answering them? He did not, however, as I conceive, so answer them, wherefore I gave him a further opportunity, and that to the only one remaining, as the matter then struck me, by which he might still place his conduct in a favorable point of view, for there might perhaps be substantial reasons, however they might militate with my ideas, which the Governor-General might have it in his power to give for his having received advice of such a Vakeel's being Resident at the Presidency without his permission, and not having communicated the same to the Board. I also at his desire immediately acquainted him with the real object that induced me to put those questions, for which I refer you to the part in the proceedings, directly following my third question.

Having thus gone through the three questions put by me to the Governor-General, applying to each such reasonings as will, I flatter myself, to you seem fully sufficient, without troubling you with the many others which might be brought in support of them, to establish each part of the original proposition laid down by me in the introductory part of this address, *viz.*, that it was proper for such questions to be put; first in discharge of the duties of the station in which I have the honor to stand toward the Honorable East India Company; and secondly, that they were equally proper in order to give the Governor-General an opportunity of throwing light upon a subject, from which conclusions unfavorable to him might otherwise be drawn.

You will permit me here, gentlemen, to assure you that I have acted on this occasion in such manner, as I shall ever, while I have the honor to continue in your service, wish every member of this Administration or others who have a right to inquire into my conduct to act towards me; that I shall ever think myself indebted to the person who gave me a candid opportunity for accounting for my public conduct, in whatever part of it may seem to require explanation, and that if ever I complain it will only be for slanderous aspersions (should I

ever lie under any) secretly propagated by base and narrow-minded men to answer particular purposes.

Having hitherto confined myself to my own questions, I shall conclude this address with such observations as are naturally suggested by the Governor-General's answers and those of the Vakeel, Kurreem Allee, on his examination before the Council, from whence, collectively taken, it appears that the Vakeel had come to this Residency without the Governor-General's permission; that he had been Resident here seven years; that he made himself known to the Governor-General five, six, or seven months ago; that the Governor-General had since given him a hundred rupees at one time for his support; and lastly that the Governor-General, instead of giving such answers as might have been expected to my third question, in order to have evinced the propriety of his conduct, to the Board in the first instance (a thing to which I should have hoped he would not have been indifferent) and to you, gentlemen, in the regular channel in the second, breaks out into invectives against me, alleging that I have arraigned him of a crime *not short of high treason*, and thus instead of freeing himself from an imputation, which may perhaps be reflected upon him of at least an irregular discharge of his duty, he gives notice that he shall address you, gentlemen, in order to exculpate himself from a charge, which has never been brought against him by me, or I believe ever thought of by any one except in his own breast.

I leave it to you, gentlemen, to determine which conduct would have been most proper, observing only that to me it seems somewhat strange that instead of pursuing the former plan of conduct in endeavouring to acquit himself of a *real imputation*, he should take measures to acquit himself of a mere ideal one, which never either has been or as I conceive can be brought against him. This he can best explain, and I hope will to your satisfaction, together with his meaning in alleging that I have arraigned him of a crime (to use his own words) *not short of high treason*. In the catalogue of crimes everyone, in my idea, which is not of that species, falls much short of it in enormity.

I beg leave next to observe that what he alleges in respect to me is not well founded either in principle or practice; and first, that it is not so in principle inasmuch as to me it seems a contradiction in terms to assert that the bare asking a question which arises upon a matter under consideration in Council is exhibiting a charge; secondly, inasmuch as if there really had been a charge brought it could not, as I conceive, amount to high treason; and thirdly, as to my observation of its being contrary to practice I will by way of elucidation suppose a matter to be agitated from the general contexture of which, charges of what nature soever might be brought against any one of the parties, would not the most sanguine friend of such person, confident in the integrity and honor of his principles and candour, put to him such questions as might tend to a full explanation of the subject and his consequent exculpation, ought he not, if conscious of the propriety of his conduct, to thank the person who should give him such an opportunity instead of his attributing his so doing to unfriendly motives? Surely he ought, and that is really the case, every day's practice I beg leave to contend fully evinces and confirms; for these and the precedent reasons therefore it is difficult to determine from whence the idea of High Treason could originate, but as nothing to warrant it is either expressed or implied by me, it is, I submit it to you, gentlemen, fairly allowable in argument to conclude that the questions did not sit easy on the Governor-General's minute, which, if really so, I shall be extremely sorry for; but that conscious to himself of an impropriety of conduct he either purposely or mistakenly wished to avoid the true grounds of the inquiry, and to justify himself on such as had never anywhere been suggested (unless in his own breast), expecting thereby, as may well be supposed, that he might be able to divert the attention from the true and substantial cause of complaint (if he was conscious of any) from which he might foresee some difficulty in acquitting himself, and that the same would be swallowed up and lost in the superior degree of enormity contained in a false and ideal one, from which there could be no such difficulty. How far the hasty and undisguised works of the Governor-General's mind may have tended to enable you, gentlemen, to fix with any degree of precision your opinion of his then feelings in regard to his own conduct you must determine.

I must observe that the only question put by the Governor-General to the deposed Nabob's Vakeel is—"Are you a Vakeel of State or Vakeel for private business." The answer is—"The Nabob Cossim Allee Cawn sent me to Boolaky Doss who was his friend to receive money from him." Upon which the following remarks seem to occur; first, that a person coming in the character before mentioned from a Nabob, late in the most exalted state in these provinces and being introduced to the knowledge of this Council by the Governor-General, must necessarily, till the contrary was made to appear, be presumed to come in a public capacity, and that the contrary did not appear till after my questions and consequent minutes which fully accounts for my calling him a public vakeel; secondly, supposing the fact to be, as I will readily admit it might, that the Governor-General when he came to the knowledge of this man's residency here about seven months ago, was informed that he was, and for some years before had been, so Resident for private business, *viz.*, for the receipt of money on his master's account to a very large amount, which according to the Governor-General's own ideas is the legal property of the Hon'ble Company but which might notwithstanding in the intermediate time have all been received by him and conveyed away, it still makes the propriety of the Governor-General's conduct on the occasion the more irreconcileable to my ideas of the duties of his station, first, that he did not then minutely enquire into every particular in which the private business of such a person, who was here without permission, did consist; secondly, in that he had not, for the reasons before given, in like manner enquire into all his private connections, but, for what appears to the contrary, had remained even to this day unacquainted with the last mentioned circumstances; thirdly, in that he had not given notice to the Council of what he had so obtained a knowledge of, immediately on his becoming acquainted with it.

The designs of such a person, privately resident here without permission, were, as I conceive, much more necessary to be guarded against than if he had openly come in a public character; and therefore the suffering such a vakeel privately to remain here for such a length of time, without any precautions taken to obtain the necessary information of his conduct and connections, seems to me a circumstance much more wanting explanation than if he had been a public vakeel.

I submit it to you, gentlemen, that my duty to the East India Company, in order to obtain for them the earliest and fullest information on a subject, which to me appears sufficiently to merit the inquiry, required this conduct of me on the one hand, and that a real wish to give the Governor-General an opportunity of accounting, if he could, for a conduct which, while unexplained, might subject him to unfavorable and I trust unmerited imputations required it of me on other.

Whether I am culpable or otherwise for asking the questions, or the Governor-General either for his conduct on the subject, or in the proceedings in Council it * * * * . Whatever may be the result of your deliberations you will give me leave to assure you that so long as I have the honor to continue in your service I shall upon all occasions act, to the best of my judgement, upon the truest principles of public utility, unbiassed by interest, uninfluenced either by friendship, affection, prejudice, or party, or by any other motive save that of honorably obtaining your approbation of my conduct, of which I shall ever wish my actions alone may be the test.

The Governor-General having declared that he shall complain of me to His Majesty, I have enclosed a copy of the proceedings of 7th instant and of this letter to the Earl of Rochford, Secretary of State, with a letter to His Lordship, a copy of which I herewith send you. I must request that you will be pleased to forward it to His Lordship that * * * * an *ex-parte* representation of this affair.

I have the honor to be,
GENTLEMEN,
Your most obedient and
most humble servant,
GEO. MONSON.

CALCUTTA,
The 8th September 1775.

N.B.—These blanks are occasioned from the documents being in a tattered condition, portions of which have fallen away.

Calcutta, the 8th September 1775.

My Lord,—It is with the utmost concern I am under the necessity of troubling Your Lordship with this letter and the enclosed papers.

Mr. Hastings, Governor-General, did impute to me in Council yesterday (September the seventh) intentions which my words do not import, nor cannot by any forced construction be made to apply. The Governor says I have arraigned him of a crime not short of High Treason; if the accusation is not short of High Treason it is High Treason. I submit to Your Lordship how groundless such a charge must be from the nature of high treasons. I refer Your Lordship to the papers for your information and my justification.

The Governor-General's warmth of temper, or his conscience, hurried him into a conception of a charge, whereas to take off every symptom of imputation which might be suggested was my intention, as all persons conversant in Indian affairs are informed of the connections that formerly subsisted between him and Cossim Allee Cawn. The Governor will complain of my conduct to His Majesty. I must therefore request of Your Lordship, relying on your candour, to remove from His Majesty's mind every unfavorable impression he may receive of me, by a misrepresentation of this affair, and I am with the greatest respect.

Your Lordship's,
Most obedient and most
humble servant,
GEO. MONSON.

The Earl of Rochford,
Principal Secretary of State.

Mr. Francis delivers in the following minute and protest :—

I think it is my duty to record my dissent from the resolution come to by the Board on Monday last " to direct the Commanding Officer of the 2nd Brigade to comply with any requisition which the Nabob of Oude may make, during the rainy season, for the aid of a detachment of our forces to reduce the Gossein."

The reduction of Anoop Gyr, who is stationed in the Duab, must necessarily carry our troops beyond the line, which the Board thought advisable to fix by the late treaty for the conducting of their operations. When once they are begun it will be difficult for us to determine how far they should extend. The Nabob will of course see that the * * * * * * * * * they are employed on shall be completed.

I have the honor of laying my opinion against ever employing the Company's troops beyond the limits of the countries guaranteed to the Nabob repeatedly before the Board. I see no reason for departing from it in the present instance, more especially as the Nabob has made no * * * * * to Mr. Bristow.

I deem the resolution taken by the Board to be inconsistent with the general defensive system hitherto observed by this Government. * * * * * * * * * * * * . For my own justification, I beg leave to enter my protest against it.

P. FRANCIS.

The Governor-General moves that the subject be reconsidered and the opinion of the Board be taken whether the orders written to the Commanding Officer of the 2nd Brigade and Mr. Bristow shall be confirmed or repealed.

Mr. Francis—I think they should be repealed.

Mr. Barwell—I think they should be confirmed.

The Hon'ble George Monson—I think they should be repealed.

GENERAL CLAVERING—The revisal of the Consultations of the 11th instant, when it was determined by a majority of the Board, consisting of the Governor-General and Mr. Barwell, that the troops of the Company should pass the limits which had been prescribed by the Court of Directors for their operations will show that Honorable Court of the necessity there is of that firm and constant union between the members who have been so consistent in their opinions in not departing from the Company's positive commands with respect to the employment of the troops. An advantage was taken of the absence of one of the members to give orders to the Commanding Officer of the Brigade, who possibly might have sent a part or the whole of his brigade at his discretion to Delhi or any other place whither Anoop Gyr might have retreated. I therefore most willingly concur with Colonel Monson and Mr. Francis in repealing the orders given that day.

THE GOVERNOR-GENERAL—The General having affirmed that an advantage was taken of the absence of one of the members to give orders to the Commanding Officer of the Brigade, who possibly might have sent a part or the whole of his brigade at his discretion to Delhi or any other place whither Anoop Gyr might have retreated, I am compelled in my own justification to declare in opposition to this assertion, that so far from taking advantage of the absence of Mr. Francis, I proposed that the opinion of Mr. Francis should be taken upon it before mine was finally given, for the sake of preserving our measures from inconsistency, but my proposal was overruled. I now adhere to my former opinions for the orders which have been given.

GENERAL CLAVERING—I must maintain the assertion that I have made that an advantage was taken of the occasional sickness of Mr. Francis to bring on a business which the Governor-General knew very well by the constitution of this Government must by law be determined at the Board. Mr. Barwell agreed with Colonel Monson and myself in our opinion that the Board could not refer its resolutions to the opinion of an absent member.

MR. BARWELL—I do not recollect any part of the proceedings of that day which expresses an opinion of mine to the effect the General has quoted. I beg if there is, that the words of any such opinion may be recited. It would be the height of absurdity to form an idea of taking an advantage of an occasional majority when every proceeding and resolution is liable to revision and reversion. This I conceive to be an unanswerable argument. The idea the General seems to have formed may be mistaken. I am sure he is with respect to my intentions, for I absolutely disclaim and disavow such a motive to have influenced me in the business recorded in the proceedings of that day.

GENERAL CLAVERING—When the Governor-General had proposed the referring the matter for the decision of Mr. Francis, though he must be acquainted with the constitution of this Government, that his opinion could not properly be taken when absent, Colonel Monson started the objection of the illegality, to which Mr. Barwell concurred; and this is exactly the state of the case, Colonel Monson and myself agreeing to it. The Court of Directors will therefore judge between us which of us are right or wrong in point of fact. I have nowhere said that Mr. Barwell brought on the motion for reading Mr. Bristow's letter: it was not his business to do it. The letter was read at the requisition of the Governor-General. Everyone is acquainted that any measure of Government may be repealed, but the orders for doing so may be given so late as not to preclude the pernicious effects which might ensue from it. The letters to Mr. Bristow and to Colonel Gailliez were sent away on the 12th, and the Governor-General having earnestly pressed the members to postpone the meeting of the Council on this day, which they had assented to, no other meeting could have been held for the revoking those orders till next Monday, which will be the 18th, and consequently there is a possibility that Colonel Gailliez received his orders and might have passed the Ganges before they could be revoked.

THE GOVERNOR-GENERAL—It is a painful duty and which I would wish never to be subjected to while I sit at this Board to deny facts. They ought not to be affirmed without the most undeniable proofs, and when they are affirmed for the purpose of conveying criminal accusation they must be denied.

I must and do deny that the business of Mr. Bristow's letter of the 22nd August was brought on by me. I wished to have brought it on and expressed my wish to have brought it on in the preceding Council, it was not then determined: it came on of course the next.

The question was put, whether in case of an application from the Nabob for the Company's assistance in reducing Anoop Gyr to subjection it shall be granted. If the General had then thought an advantage might be taken of Mr. Francis' absence he might certainly have prevented it by moving the previous question on account of a want of a full Board. I gave him a further opportunity by my proposal to defer the decision of it for Mr. Francis' opinion. It was not agreed to. The General has affirmed that I knew very well that by the constitution of this government the question must by law be determined at the Board. I agree to this assertion in the words of the General's minute. The question might have been determined at the Board with the aid of Mr. Francis' opinion which is all I moved for; it was neither illegal nor unprecedented. The same attention was paid by the Board to Colonel Monson during his sickness and absence from the Board in the month of November last. It was neither deemed illegal at that time nor was the slightest objection made to it. I know not why it should be objected to now. Any member may withdraw his motion before the final resolutions of the Board are taken upon it. Any member may propose that a motion should be left to another day for consideration; nay by the rules of the service, if rigidly adhered to, no resolutions of the Board are valid until they have been received and confirmed in a subsequent consultation. The Board met on the next day in the Revenue Department; the letters had not been signed at that time. Mr. Francis was then present. It might then have been reconsidered. Many instances have occurred in which this has been done. It is not a practice to be recommended because it mixes the business of the different departments and impedes the general currency of business, but there is no law which forbids it, and in cases of a very urgent nature it is certainly justifiable. As this has been considered a case of a very urgent nature, the orders given on the 11th instant might with great propriety have been revised on the 12th when the members of the Board were all regularly assembled.

General Clavering—There is no end of refuting assertions which are contradicted by facts that stand upon record.

The Governor-General has asserted that the business of the Secret Department might have been revised in the Revenue Department the next day. I would wish, when he asserts so roundly, that he would produce one instance of a matter belonging to Foreign Affairs ever having yet been treated in the Revenue Department. I believe he will find none. As to other business which may have occasionally been brought on relative to the affairs of this country, and which from their nature might be deemed secret, I am sensible that they may have been transacted there and transferred to the Secret Department. Conformably therefore to the constant practice of the service since I have had the honour of sitting in Council at Bengal, I did not think it proper to introduce the revision of the resolution of the former day in the Revenue Department, when Mr. Francis was present, but I opposed yesterday as much as I could the Governor's intentions of not holding a Council to-day, which, I have said before would have frustrated the reconsideration of this measure, and consequently the repealing the orders that were sent to Colonel Galliez.

The Governor-General—I want no other support for the assertion which the General with his usual candour and civility says I have roundly made than his own declaration. I did not assert that matters belonging to Foreign Affairs had been treated in the Revenue Department. My assertion respected the general business of the Secret Department, in which I know of no distinction between foreign and domestic, nor has the constitution of this Government made any. Whether matters of a foreign nature have been considered by the Council assembled for the business of the Revenue Department I will not pretend to affirm from my memory, but there was no necessity to have brought on this business in the Revenue Department, because the Board were assembled, and they might have formed themselves into a meeting for this department although under the roof of the Revenue Council house. Why this was not done,

why the resolution was suffered to pass on the day preceding when it might have been prevented, I leave to the members of the Board who dissented from the question to explain.

THE HON'BLE GEORGE MONSON—It appears to me that when a question is put, and the opinions of the members taken upon it, that the question cannot be referred regularly or legally to the decision of an absent member. I must own that the motion made by the Governor-General carries the appearance of taking the advantage of the absence of a member. The business did not require an immediate order, nor had a requisition been made by the Nabob on the subject. Mr. Barwell was desirous of an occasional order. If the Governor-General had not wished for the opinion of the Board in a measure so contradictory to those which had been taken by the majority, I think he would not have urged the business at that time. The Governor-General paid me the compliment in November last to require my opinion on a subject when absent from the Board. I thought the measure irregular, and deemed it a compliment, I think, to the best of my recollection. I expressed myself so in my minute. We were yesterday at the Revenue Board on a particular business of the greatest importance to the welfare of the Company and the Government of this country, no less than that of the contending for the rights given us by Act of Parliament which I imagine have been assumed and others. They may sufficiently explain and be given as a reason why our attention was taken off from this subject. When the letter came before us to be signed, if a motion had been made to reconsider this business at that time I should have deemed it irregular and have given my negative to it. That I think is a sufficient explanation of my conduct in what the Governor-General required.

MR. FRANCIS—It being now determined, as I apprehend by a majority of votes, that the orders given to Mr. Bristow and Colonel Gailliez should be repealed, I move that we should adjourn.

AGREED TO AND RESOLVED—that the following letter be written to Mr. Bristow, Resident at the Court of the Nabob of Oude.

To, MR. JOHN BRISTOW, *Resident with the Nabob of Oude.*

SIR,—Upon reconsidering the subject of your letter of the 22nd ultimo, we find it necessary to repeal the authority granted in our letters to you and the Officer Commanding the 2nd Brigade of the 11th instant to comply with any requisition the Nabob might make for a detachment of the Company's forces to act with his against Anoop Gyr, and have resolved that no part of the brigade shall be allowed to pass the boundaries of the dominions guaranteed to the Nabob. We now direct therefore that instead of delivering the letter addressed to the Commanding Officer of the Brigade you cancel it immediately on the receipt of this.

We are, &c., &c.,

FORT WILLIAM,
The 14th September 1775.

Government of India Central Printing Office.—No. 115-119 F. D.—11-6-89.—800.

Proceedings of the Secret Select Committee, 18th October 1775.

Secret Dept. Fort William, 18th October 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
THE HON'BLE GEORGE MONSON.
RICHARD BARWELL, Esq.
PHILIP FRANCIS, Esq.

The book of Standing Orders upon the table.

Read and approved the Consultation of the 16th instant.

Resumed the consideration of the paragraphs 39 to 47 of the General letter from the Court of Directors, dated 3rd March, and the Governor-General's motion recorded on the 16th instant.

General Clavering, Colonel Monson and Mr. Francis having drawn up their sentiments on this subject deliver them in the following Minute which is now read:—

Fort William, the 18th October 1775.

Minute from GENERAL CLAVERING, COLONEL MONSON and MR. FRANCIS.

After an attentive consideration of the Company's orders relative to Mahomed Reza Cawn and Raja Goordass, contained in the 39th and eight following paragraphs of the General letter of the 3rd of March 1775, we agree with the Governor-General in thinking that the Court of Directors have mistaken the office actually held by Raja Bullub for that which the late Administration conferred on Raja Goordass. This mistake, with the consequences drawn from the facts supposed by the Court of Directors, produces an ambiguity in their orders, which makes it difficult for us to determine in what precise sense they are to be understood, or by what resolution of ours we can with certainty carry their intentions into effect. On one side, they express *a repugnance to the continuance of Raja Goordass in the high office of Roy Royan*, and direct us to appoint Mahomed Reza Cawn to it, *if he can accept of it with propriety, under the regulations and restrictions established by the late President and Council*; on the other, it is to be observed that Raja Goordass is not Roy Royan, and that the office is by no means of such a rank or consequence as could possibly restore Mahomed Reza Cawn *to any improper degree of power.*

The Roy Royan is no more than principal Muttesedee or clerk of the Khalsa, whose duty it is to attend at the meetings of the Board of Revenue, to make reports, to answer to all enquiries and to receive occasional instructions. It appears to us that such an office conveys no degree of dignity whatsoever. The inconsiderable share of power annexed to it is immediately under the control of the Revenue Board. It must also be remarked that the Roy Royan is a Hindu office, consequently not to be exercised by a Musulman; and that, for this reason, Mahomed Reza Cawn could not *accept of it with propriety.*

With this view of the instructions before us, and considering that they do not prescribe to us such a clear and determinate line of conduct, as would preclude any difference of opinion, and leave nothing to our own discretion, we apprehend that the present sense and intentions of the Court of Directors cannot be better ascertained than by recurring to the plan, which they originally adopted, for the regulation of the Country Government, when they received advise of the accession of the present Nabob to the Musnud. We find it stated,

in their letter of the 28th of August 1771, in terms too clear and precise to admit of any misconstruction; and we do not doubt that, upon due consideration of the subject, it will be found much more judicious and better adapted to the respective circumstances of this country and of the Company, than that which the late President and Council, of their own authority, thought proper to substitute in its place. In our Minute of the 15th of September, we have already observed that the appointment of Munny Begum, Raja Goordass and Raja Bullub, and the distribution of the salary among those three persons, which the Court of Directors had appropriated to a single office, was a direct disobedience of their orders.

It is our opinion, taken on the most mature deliberation, that the Board should now revert to those orders, and endeavour to carry them into execution, as far as our present circumstances will permit. On the removal of Mahomed Reza Cawn it was evidently the Company's intention to substitute a single Minister in his place to transact the political affairs of the Sircar; they instruct their servants to select "for that purpose some person well qualified for the affairs of Government, and of whose attachment to the Company's interest they were well assured, and to recommend him to the Nabob to succeed Mahomed Reza Cawn as Minister of the Government and Guardian of the Nabob's minority." The mischievous consequences of departing from the system have been such as the late President and Council might easily have foreseen. For want of a person of credit and abilities to fill the station of Minister, and who, supported by our influence, and subject to our controul, might represent and act for the Nazim during his minority, the Country Government, which it has been the constant policy of the Company to support, has been reduced to such a state of weakness and insignificance as not even to carry the appearance of a Government, either to its own subjects or to foreigners. All differences and discussions with the foreign factories, in which it is not the true interest of the Company to appear as parties, and which ought properly to have been referred to the Nabob or his Ministers, have been taken up directly by the representatives of the Company as principals. The Company, of course, without necessity and contrary to their own political system, are made responsible to the nation for all the consequences which may attend any acts of force or hostility exercised by their servants in checking the encroachments of the foreign factories on the rights and authority of the Country Government. In this view alone the expediency of supporting an ostensible authority in the Nabob is too obvious to be disputed. At the same time his positive rights are founded on a specific treaty, and cannot, in our opinion, be invaded by the Company's servants, without a violation of every principle of justice and good faith.

The consequence of reducing the just and constitutional powers of the Nizamut to their present feeble state, have not been confined to the political interests of the Company.

Every Member of this Board must know, and we believe that no man feels it more sensibly than the Governor-General himself, that, since the transfer of the lands from the original owners to the present farmers, and since the abolition of the local jurisdictions exercised by the zemindars in their respective zemindaries, which followed that transfer, the internal government of the country has fallen into a most alarming state of confusion.

By the constitution of Bengal the zemindar presided in the Criminal Court of his district, pronounced and executed sentence on all offences less than capital, and was answerable to the Nazim for the peace and good order of the country, as far as his jurisdiction extended. An institution of this nature might undoubtedly be liable to abuses, but it was conformable to the manners and prejudices of the people, who looked up to their chiefs alone for justice and protection. It made an essential part of the constitution of the country, and could not be abolished without breaking that regular chain of subordination and dependance by which the Government and the people were united in one political body. Mr. Hastings himself admits these consequences, and declares "that, by the removal of the zemindary jurisdictions, the confidence of the decoits was increased, and that no method had been substituted for

giving intelligence to Government of such events as related to the peace of the country." Abuses will find their way into the pratice of the wisest institutions, but they ought to be corrected by a steady and vigorous administration, not by rashly forcing the accumulated wisdom and experience of ages to yield to the crude ideas of a few foreigners (for such the English are in Bengal), on a subject, which they can hardly be supposed to have understood, even if they had had the welfare of the country ever so seriously at heart.

The annihilation of the judicial powers, formerly exercised by the zemindars, was however a necessary consequence of dispossessing them of their lands. The revenues could not easily be collected by the farmers, if a power had been reserved to the zemindars, to which the ryotts might have recourse against the oppression of their new masters.

It became necessary therefore to form a new plan for the administration of criminal justice. A Court of Phouzdary Adawlet was accordingly established in each district for the trial of all crimes and misdemeanors; a Supreme Court of Phouzdary Adawlet was established at Calcutta under the special care of the President, with power to confirm all sentences from the subordinate Courts, except capital, which were referred to the Nazim.

It was soon found by experience that the institution of these Courts did not produce "the benefits expected from them, and that the public tranquillity could not be secured without the exertion of other and extraordinary means."

What benefit indeed could be derived from the new Courts of Justice, when even the regularity and precision introduced into their proceedings are assigned by Mr. Hastings *as* * *one cause of the increase of robbers?* No stronger proof can be produced, that they were not founded on principles reconcileable to the genius and temper of the people.

* " *Vide* Mr Hastings's Minute of 19th April 1771

As a remedy for this and many other evils, which the establishment of the Phouzdary Courts had either created or not removed, particularly the want of Ministerial Officers for the apprehension of offenders, which the new system had not provided for, the late President, in his Minute of the 19th of April 1774, proposes the farther institution of several Phouzdars or Officers of Police, to be stationed in the districts, with power to apprehend decoits and other offenders, and bring them to justice. Even this expedient has failed of its proposed effect. We have too much reason to believe that the Phouzdars themselves, with their numerous followers, have in many instances either skreened the decoits or joined with them, and that upon all occasions they have made use of their power to plunder and oppress the people, whom they were sent to protect. The Governor-General has repeatedly represented to this Board the deplorable state of the provinces with respect to the administration of justice. He has desired to be relieved of the superintendence of the Phouzdary Courts and controul of the Phouzdars, as of a burthen to which he is unequal, and has requested us to take the subject generally into our consideration.

It seemed necessary to enter thus far into the internal state of the country and government, not only that the measures, which we mean to recommend to the Board, might be regularly introduced, but that the Governor-General and Mr. Barwell might be able to determine at one view whether those measures are conformable to the spirit of our instructions and adapted to our actual situation.

It is now the clear unquestionable determination of the Court of Directors to support an ostensible and active power in the Country Government. The Nabob himself, from youth, inexperience and the total neglect of his education, is incapable of exercising this power. The executive authority of the Nazim must be delegated to a Minister who, acting in his master's name, may nevertheless be sensible that he owes his appointment solely to our recommendation, and that his continuance in office depends upon his attachment and gratitude to the Company. We are convinced there is no man in the provinces in every respect so well qualified for this important post as Mahomed Reza Cawn, and we think the declarations now made in his favour by the Court of Directors intitle us to replace him in it.

We offer it therefore as our opinion that the Board should recommend him to the Nabob to be Minister of the Government and Guardian of His Highness's minority with authority to transact the political affairs of the Sircar. He should be instructed to superintend the Nabob's education, to choose proper servants and companions for him, and to endeavour to recover him from the dishonourable state of ignorance and dissipation in which, we fear, he is still immersed. He should be particularly empowered and directed to reduce and regulate the expences of the Nabob's household in such a manner as to enable him to extricate His Highness from his debts and incumbrances without calling upon the Company for an increase of his present income.

After the appointment of a Minister at the Durbar, it will be equally unnecessary and inexpedient for this Board, whether as principals or parties, to enter into any discussions with the foreign factories, on questions touching the rights and authority of the Country Government in which, as representatives of the East India Company, we have strictly no concern. Every question of that nature may be immediately referred to the Nabob and his Minister, who, understanding the constitution of the country and the extent of the privileges originally enjoyed by the foreign factories, will probably be better able than we are to answer any arguments produced by those factories in support of their pretensions. If ultimately it should be found necessary to maintain the authority of the Country Government by force, the Nabob will call upon us for that assistance which we are bound by treaty to afford him, and which may be effectually employed in *his* name. In the meantime we shall be relieved from the burthen and odium of many discussions with the foreign factories, in which, though not strictly parties, they affect to consider us as principals. Another and most important branch of the Minister's duty should be to examine into the actual state of the Phouzdary Courts and conduct of the Phouzdars, and to take a general review of the administration of criminal justice throughout the country. He should have full authority given him, either to inforce the operation of these Courts upon the present establishment, or to new model and correct them. If neither of these measures should be found practicable, it will be his duty to form and propose some other plan better accommodated to the state of the country and manners of the people, and which at the same time may not be incompatible with the system on which the lands are actually farmed. In short, as Minister of the Nazim, the criminal justice of the country, with all the Courts and officers belonging to that branch of Government, is properly under his care, and he should be made responsible for the due administration of it. The office, established under the controul and authority of the late President, for receiving and registering all reports from the Phouzdars and issuing orders to them, should be transferred to Muxadavad and placed under his direction.

It is our opinion that he should be allowed a salary of two lacks forty thousand rupees, which, though inadequate to the dignity of his station and to the services expected from him, is, we apprehend, the utmost the Board can allow him, out of the three lacks appropriated for this office by the Court of Directors, the remainder being reserved for the Roy Royan.

We are now to consider in what manner it may be proper to carry the Company's instructions in favour of Raja Goordass into execution. The Court of Directors say that in "consideration of the favourable character they have received of him they have no objection to his being appointed to any office of less importance than that which they supposed him to be in possession of, if we should be of opinion that this behaviour has intitled him to such a mark of their indulgence." We cannot refuse Raja Goordass our testimony in his favour, and we know of no employment, in any degree proportioned to his rank and station, of less importance than that of Roy Royan. The office is merely ministerial and the salary annexed to it less by two-fifths than what he at present enjoys. We must in this place declare ourselves totally unacquainted with the merit or services of Raja Bullub. His original appointment was unauthorised, and, supposing such an office to have been ever so necessary, we think it should not have been intrusted to a very young man who certainly had no experience, and could not be supposed to possess any knowledge of the business of the revenues.

We therefore feel no scruple or reluctance whatever in advising the dismission of Raja Bullub and the appointment of Raja Goordass to succeed him.

J. CLAVERING.
GEORGE MONSON.
P. FRANCIS.

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Mr. Barwell.—The orders of the Company are in my opinion clear and explicit, they direct that the station to which Raja Goordass was advanced during the investigation ordered into Mahomed Reza Cawn's conduct shall be vacated; they direct that Mahomed Reza Cawn shall be placed in his room; they declare the conduct of Nund Coomar appears to them inconsistent and unworthy, and that they feel a repugnance to the continuance of his son in the high office of Roy Royan of the Province; this can mean nothing more than the high office he at present holds or any other that may bespeak their approbation of the conduct of Nund Coomar in the honours conferred, or to be conferred, by this Government on his son. They direct concerning the office of Roy Royan to be blended with the trust that Goordass has hitherto discharged that he shall no longer act in that office, but, in consideration of the favourable character they have received of him, they have no objection to his being employed in offices of less importance if this Government shall be of opinion he is entitled to such a mark of the Company's indulgence. The word objection strongly marks the sentiments of the Court of Directors respecting the son of Nund Coomar; that they were unwilling, by any public honours to be granted to him, to convey to the minds of the natives their approbation of the services rendered by the father, but if any particular merits of the son might independently entitle him to favour, their Governor and Council are merely permitted to consider them. The words of the Company cannot be too often repeated, "they say they have no objection;" if they meant in any respect to recommend the son of a person whom they have declared to be notoriously obnoxious in their eye, it would certainly have been done in express words. In the manner in which his name is now noticed, the Company have pointedly declared that under no consideration whatever do they allow this Government to employ Goordass, the son of Nund Coomar, unless some particular services rendered to the Company and the merits of the man give him a claim to favour, and then they only say, supposing some specific services and merits, we have no objection to his being employed. The Company have repeatedly confirmed Raja Rajeo Bullub, both on account of his supposed personal knowledge in the revenue, having been from his infancy employed in the Khalsa Department under his father Raja Dulubram, the Dewan of these provinces, and likewise on the score of his father's services rendered to the Company, to fill the station of Roy Royan. It will be both partial and contradictory to the intentions of the Company to place Goordass in competition with this man, who never had any employment in the State, from which it was possible for him to acquire the most trifling knowledge of the interests of these provinces, their rents and revenues. It is plain that the Company did not design to leave it in the option of this Board to pursue any particular aim in favour of Goordass to the detriment of an officer fixed in his station by themselves; the most that can be understood from the Company's obviously mistaking the Roy Royan's office to be blended with Raja Goordass's is to interpret this mistake in favour of Mahomed Reza Cawn as he is expressly pointed out by their orders to fill the station in which Raja Goordass has been no more than a pageant—I say a pageant—because it is notoriously known that he has neither acuteness of parts, knowledge or talents, that he has been the mere instrument in the hands of his father and must ever remain an instrument in the hands of some one, and though he may appear ostensibly to act, I make no doubt in the course of time it will appear that European or Native influence has been the spring of every transaction of importance he should seem to engage in. In these sentiments I dissent to the opinion delivered by the majority on the sense of the Company's letter from paragraph 39 to paragraph

it, fully persuaded the construction is equally forced and unnatural; that the same bias which our public proceedings in various sheets show to the father, has interpreted the orders of the Company in favour of the son. The Company have ordered Mahomed Reza Cawn, in my opinion, to be placed in the station now occupied by Raja Goordass. They have ordered Raja Goordass to be removed to make room for him. They have not ordered (as the majority premise) the employing Raja Goordass in any other station; they have only said they have no objection, provided he has merit and specific services to plead. I beg leave to explain the grounds, upon which I have said the Company enjoin that unless Raja Goordass has particular merit and specific services to plead to their indulgence that he shall not be employed. Their own words are—"If you shall be of opinion that his behaviour has entitled him to such a mark of our indulgence, we have no objection to his being appointed to any office of less importance."

Mr. Francis.—I think Mr. Barwell allows himself a very considerable latitude, when he interprets the word behaviour into Raja Goordass's having merit and specific services to plead.

The Governor-General.—I dissent from every resolution of the majority as contradictory to the orders of the Company and inconsistent even from those which they are professed to carry into execution; and I hereby enter my protest against them and all the consequences which may ensue from them. I have too much to say upon the subject to be dictated in a verbal minute at this Board, I will deliver in my reasons in writing at another time. I meant to have contented myself with this short dissent to the resolutions already formed, conceiving my opinion to be unnecessary and precluded from any possible effect by those resolutions, understanding of course the recommendations of the majority delivered in so formal and decided a manner as the resolutions of the Board. But as I perceive that it is expected of me to give an opinion on the terms of my own question, I will comply with the favour required of me in a few words. It is my opinion, then, that the Company's orders require that Raja Goordass should be removed from the appointment which was granted to him under the sanction of the last administration and *àfortiori* from every addition since made to it, and that Mahomed Reza Cawn be appointed Dewan to the Nabob's household in his stead.

Resolved that the Board recommend Mahomed Reza Cawn to the Nabob to be Minister of the Government and Guardian of his majority with the powers and authorities as described in the Minute delivered in by General Clavering, Colonel Monson and Mr. Francis.

Resolved also that Raja Goordass be appointed to the office Roy Royan in the room of Raja Raj Bullub. Ordered that notice be sent to the Board of Revenue of the foregoing appointment, and that Raja Raj Bullub may be acquainted of his dismission from that Board.

Government of India Central Printing Office.—No. 531 F D.—8-8-89.—500

Exd.—B. M.

Proceedings of the Secret Select Committee, from 2nd October to 6th November 1775.

Letter from His Majesty to the Nabob of Arcot, dated the 3rd January 1770.

It gives Us very great pleasure to learn from your letter, dated the ninth of last March, that Ours to you of the sixth of February 1768 had been safely delivered into your hands by the Governor and Council of Madras, as also that the pictures which We sent you of Ourself and of Our Most Dear Consort the Queen had been received by you with such pleasing marks of your affection and attachment to Our Persons. We feel the utmost satisfaction in the good accounts you give in your letter of your own welfare, as well as that of your family, and you do justice to Our constant good wishes for your prosperity when you place confidence in the support We are desirous to give you. We feel a very particular satisfaction in learning from the Company that the blessings of peace are restored to the Carnatic and We hope that a proper attention has been therein paid to your interests as well as those of your family. We very earnestly wish it may be of long duration, and as We have not the least doubt but that on your part you will do everything in your power to preserve the public tranquillity, so We shall particularly enjoin Our subjects to observe the same conduct. We received by the hands of the Company the presents you were pleased to send Us of attar and white cloths, the manufacture of your country, and at the same time that We return you Our sincere thanks for this fresh mark of your affection, We desire you will accept of a few pieces of cloth manufactured in Our dominions and a sword, which is also the workmanship of this country, which We have ordered Our Trusty and Well-beloved Sir John Lindsay, Knight, the Commander-in-Chief of Our ships in the East Indies, and Our Plenipotentiary to you, to deliver to you, and at the same time to accompany them with the assurances of Our friendship, and We desire that upon this and every occasion you will put entire confidence in whatever he shall say in Our name, and so repeating Our wishes for your felicity, We bid you heartily farewell. Given at Our Court at St. James's, &c.

Your affectionate friend,

WEYMOUTH. GEORGE, *Rex.*

Letter from His Majesty to the Nabob of Arcot, dated the 27th June 1770.

The invariable friendship and good understanding which has long subsisted between Us and which We are desirous on Our part to promote and improve on every occasion, thoroughly persuaded of your corresponding with Us in the same sentiments, has induced Us to write to you on a subject which We flatter Ourselves will not only be pleasing to you from the affection you bear towards Us, but will be advantageous to your affairs and to the public peace and tranquillity in your parts, as it will testify to the world Our esteem and regard for you, and the good correspondence which we wish to cultivate. Having thought proper to bestow a high mark of Our approbation on two of Our subjects, whose conduct We hope will have rendered them worthy of your esteem, We cannot add to the dignity of conferring those honours on them more than by desiring you will represent Our person upon this solemn occasion, and that you will perform those functions for Us which We always perform ourselves when the circumstances will admit. Our intention being to confer the Order of the Bath, one of Our most honourable marks of distinction, on Our Trusty and Well-beloved Sir John Lindsay, Knight, Commander-in Chief of Our ships and vessels in the East Indies, and of the marine force of Our United Company of Merchants trading to and in those parts, and on Our Trusty and Well-beloved Eyre Coote, Esq., Major-General of Our forces in the East Indies and Commander-in-Chief of all the said Company's military force there, We have directed the said Sir John Lindsay to deliver to you this letter, with the Ensigns of the

Order, and to learn from you the time when it may be most agreeable to you to perform this ceremony, as well as to make known to you the nature and manner of bestowing these honours upon him and the said Eyre Coote, and so repeating Our wishes for your felicity, We bid you heartily farewell. Given at our Court at St. James's, &c.

Your affectionate friend,

WEYMOUTH. GEORGE, *Rex.*

Proceedings of the Secret Committee.

Fort William, the 8th November 1775.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS *GOVERNOR-GENERAL, PRESIDENT.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

PHILIP FRANCIS, ESQ.

Read and approved the Proceedings of the 6th instant.

Received the following letters from MR BRISTOW, Fyzabad, the 11th of October 1775.

To the Hon'ble WARREN HASTINGS, Esq., Governor-General, and the Members of the Hon'ble Supreme Council at Fort William.

Mr. Bristow's letters.

HON'BLE SIR & SIRS,—I had the honour to write last on the 6th instant.

The Hon'ble Board are fully convinced of the distracted state of the Nabob's Government. In the guaranteed provinces, though the brigade is upon the spot, yet he is exceedingly ill-obeyed and in many parts his troops have been defeated and only seven or eight days he was obliged to despatch six battalions to reinforce those on command.

A great part of this country is possessed by zemindars who having held their lands in their families for a long period of time support a personal influence with their riats, and can at all times induce them to resist the aumils. The zemindars ever evade the payment of their rents, frequently from a spirit of litigiousness alone, and as frequently from the demands of the aumils exceeding the established custom. Military men are generally appointed to this station; they have been accustomed to exercise almost unlimited authority, for if the late Vizier obtained the money he little regarded the means, and when balances accrued he compelled the aumils to make good the sums out of their private fortunes, imagining that they must have embezzled the deficiency, or caused it by their negligence. This was the consequence of oppressions for the complaints of the people were only a pretence for him to make exactions from the aumils, and the man, who, but a month ago, refunded the fruits of his extortion, was frequently entrusted with the management of an extensive department.

We may judge, from what is above recited, that neither the aumils nor the people will ever pay their rents regularly but when compelled, and without the Nabob is punctual in demanding them, numberless evasions will be made. This indeed is the case, for he himself confessed to me, that instead of twenty lakhs which ought to have been collected on the new year, he had received hardly ten: he said, it was much owing to the drought, though, I believe, we may impute the principal causes to be the want of vigor and regularity on his part in not obliging his aumils to the discharge of their duty, for at this early period the dearness cannot well be materially felt. At all events, I fear, what has passed cannot be retrieved, for the season for the collections once suffered to elapse without enforcing payment, the balances are rarely recovered, and, if at all, with the greatest difficulty.

To add to this unfortunate circumstance, the Nabob has not yet been able to procure any money from the Begam. Immediately on his return from Fyzabad he stated his distresses to me, and begged of me to use my endeavours to persuade the Begam to assist him. I wished to have declined complying with His Excellency's request, especially after he had indirectly objected to my having any correspondence with her, but being sensible of his necessities I consented upon the condition of his not expecting of me to use violent means. I accordingly went to Fyzabad and explained particularly in writing to the Begam how impossible it was for the Nabob to conduct his Government without her assistance, and likewise insinuated to her, that she could not complain of him, for he had granted her an additional jaghir of four lakhs a year for the sums he had already borrowed of her, and treated her with great respect. I further insinuated to her, that the treasures she possessed, were the treasures of the State, as she had not succeeded to them by any legal right, and they had been hoarded up to provide against an emergency. That that emergency was arrived, and I recommended it to her to spare His Excellency the sum of fifty lakhs as a donation. If this did not please her, to let the treasure be divided according to the laws of the Koran, or else grant him a loan, and that I could engage for the re-payment of it.

After much persuasion the Begam agreed to pay the Nabob twelve lakhs, and this she declared was wholly to oblige me, and upon the conditions of the Company's being to secure her the possession of her jaghyrs for life, and that the Nabob should not interfere with her upon any account. I excused myself because of the insignificancy of the sum, but offered to comply with her terms in case of her granting fifty lakhs. This I had authority for from the Nabob, who, on desiring me to undertake the negociation, repeatedly and earnestly expressed his desire not to use any violence. And in order to prove it, he said, he would submit to the Company's being mediators of all differences between him and the Begam. But it was hard, when reduced to such distress, that his mother should uselessly keep up immense treasurys.

On my return, His Excellency approved of my conduct, and desired of me to write to the Begam very fully, again explaining his situation to her. That I had interfered merely to prevent any differences or doubts subsisting between them, which I thought the part of a mutual friend; that I had always dissuaded the Nabob from violent measures and would continue my endeavours, but the point in question was a domestic matter in which I could not insist on His Excellency's following my advice.

The Begam in her answer complained much of the administration of affairs, and told me in plain terms that what she would do should be for the sake of the English, and as for the Nabob, she would not advance him a single rupee upon his word, but sooner throw her jewels and money into the river. On my presenting the letters to His Excellency, he again desired of me to go to Fyzabad as there were great doubts entertained of the eunuch, employed between the Begam and me, not having explained my representations fully to her, but concealed such part as did not conform to his views. The Nabob ordered Sellar Jang and Bassant Ali Cawn to go to Fyzabad also, and follow Murtehzeh Cawn's and my advice in making any additional representations which might be found necessary. It is generally believed the Begam has four crores in her possession, but I fancy, I may venture to say, she has one crore and seventy lakhs. Considering this immense sum, I hope, now we are all here and when circumstances are impartially stated, that she will yield to our persuasions.

Anoop Gyr and Amrow Gyr act now more disrespectfully than ever to the Nabob. In an instance of some horses for Captain Toonie's troop passing through their districts, I had procured the Nabob's dustuck. The horses were stopped at many of the chowkeys, and the man who had charge of them was told immediately from Anoop Gyr "that twenty dustucks from the Nabob would be disregarded, but one slip of paper from Nudjiff Cawn would suffice." On my sending to Anoop Gyr's vaqueel to inform him of this circumstance, he waited on me and desired me never to apply to the Nabob, but to send for him, that he might inform his master, who would take care that no dependent of the English should meet with impediments. Anoop Gyr refused to come to the Nabob

upon some frivolous excuse. Amrow Gyr did come. During his stay he paid me a visit, and desired me not to look upon him as upon the other officers of the Nabob's Government, for he was no mottesedy, but a soldier, and hoped that I would return his visit. That he considered himself obliged to his sword for everything held, and repeatedly threw many reflections upon the Nabob, whom he pretended to disregard, but said he wished much for the friendship and protection of the English I heard him out and then told him I considered men only as they were attached to the Nabob Assuf-ul-Dowlah, who was the firm ally of the English, and that he must expect we should look to his satisfaction prior to every other consideration, and furthermore that I could not give him the friendship and protection of the English. In regard to returning his visit, I said my station excused me from it, besides, I did not know if the Nabob would like it.

I informed the Nabob of all that passed and observed to him that a man who expressed himself in this style ought to have no terms kept with him, and advised His Excellency to seize him at once. He answered he had formed a better plan of marching towards the Doab and taking the country out of the possession of the Gossaynes, and he thought on his approach that they would run away. How this enterprise will end I cannot say, for it is certain the Nabob's troops have no confidence in him, and the fidelity of Myr Afzul's corps, now with the Gossaynes, is much doubted. Anoop Gyr and Amrow Gyr have ten thousand foot and nine thousand horse, men of their own caste, in their pay, whom they can depend on. They are, I understand, daily collecting together ammunition, entertaining new troops, using their best endeavours to attach the Rana of Goad, the Rajas of Bundelkhand, and all the petty Rajas in the neighbourhood, to their interest. I think it probable though that the whole of them will look on and be the friends of the strongest. In the late conquered countries the Gossaynes demand very low rents, if any, of the zemindars, and try by all means to attach them to their cause. Upon viewing the conduct of the Gossaynes, I think there seems little appearance of their running away, and I am therefore the more anxious about the affair of the money, for, without getting it, the Nabob tells me he actually cannot take the field; the consequence will be giving time to foreign powers, whenever any one shall be able to do it, to join the Gossaynes. Notwithstanding, the Nabob is so well informed of the conduct of these Chiefs, he gave Amrow Gyr a very honourable dress on his departure and delivered him another for his brother. The whole sums he consented to pay at this juncture was three lakhs of rupees; he pretended this was not due from him, and in short, that the Nabob owes him and his brother twelve lakhs for monies advanced to pay the expense of the war, &c.

Surut Sing is arrived at Dara Nagur and has taken upon him the management of the affairs of Rohilkhand, but a very inconsiderable sum is as yet realised. There are parties upon the spot—Murtehzeh Cawn of Baraitch, and Lettafut Ally Cawn, are supposed to be disaffected and ready to join the Nabob's enemies. These Chiefs were before ordered to march to Delhy, but on the flight of Basheer Cawn, countermanded, and as the view the Nabob had in it was the settlement of the matter of the Vizarqt, I shall (agreeable to the Hon'ble Board's orders) use my best endeavours to dissuade him from suffering any troops to be sent to the King in the present state of his own affairs. As to His Excellency's journey to Delhy, he now tells me he shall entirely drop all thoughts of it.

My former letters speak fully of the discipline of the Nabob's army and it is now, if possible, upon a still worse footing. A few days ago a man belonging to the Nudjib Regiment quarrelled with a sepoy, and their dispute coming to blows the latter was killed. The whole corps of sepoys to the number of eleven battalions and the corps of the Nudjib with the cavalry on their side drew up one against the other, and the Nabob with the greatest difficulty prevented them from fighting. It was not by punishing himself the offender by a fair trial, but by delivering him up to the discretion of the sepoys, who upon this event made a general discharge of the artillery.

The day after this had happened the sepoys found out that one of their Commandants had secreted five thousand rupees received at Mindy Gaut to distribute amongst the heads of a set of mutineers who had created a disturb-

ance when the army was encamped at that place; they beat the Commandant. The Nabob interfered, and with much intercession saved his life, but at the same time he himself received many insults from the ranks. The next day the Nabob wished to possess himself of the artillery in charge of the sepoys and sent two companies as an escort to bring it. The whole corps saw through the design and returned His Excellency for answer, "that they could take very good care of it" and would not suffer a gun to be moved, and in this manner they could themselves upon all occasions obey the Nabob's orders or not, just as they think proper.

Another very striking anecdote happened on our arrival at Lucknow, in a battalion under a Frenchman, who, having been on command, had preserved some kind of discipline. On his joining the Nabob's army fifteen sepoys behaving ill, he dismissed them the service. The other sepoys on the spot reproached those of the Frenchman's battalion for submitting to such an indignity. That if anything of the kind was once suffered they would hereafter be perpetually ill-treated, and insisted upon their making it a common cause; they in consequence assembled in the night, severely beat their black officers upon the pretence of their giving the French commandant bad advice, but never touched the commandant himself. The affair ended by the Nabob's yielding the point, for he reinstated the fifteen sepoys. The French commandant was one Sculier, who holds a commission in the French service. Shortly after this event he applied to me for a passport into Bengall, which I procured for him as well as for many others. There are now very few Europeans in the country, and those few are to set off in four or five days, staying only to settle their private affairs, for as the Nabob has once dismissed them his service they have no other means of gaining a subsistence. In regard to their passing up the country I have had some stopped, though it is difficult, as they disguise themselves in Mussellman habits, and travel in covered hackeries, but the men of consequence, by their ability or military knowledge have all gone towards Bengall.

I hope the circumstances above stated and the contents of my former letters will explain fully to the Hon'ble Board the situation of the Nabob's internal government on the commencement of this season.

In regard to foreign affairs, Nudjif Cawn has finally concluded the peace with the Rajputs who are put into possession of Camoo. It was agreed at first that he should keep Namoal, but he afterwards gave it up and has received three lakhs of rupees in ready money, jewels and shawls, and eight lakhs are to be paid him in eight equal monthly kists. The armies of both parties have ceased hostilities.

Runjeet Sing succeeded to Nool Sing, who though only in fact the guardian and regent for the true Raja of the Jauts, Kehry Sing, yet, being his uncle, he assumed an independent authority. He died at a time that the affairs of the Jauts were in a most distracted state. Runjeet Sing was for some time obeyed, but the mother of Kehry Sing, wishing to get more authority into her own hands, attached Reum Daad Cawn to her cause and got him to introduce one thousand Rohillas into the fort in order to seize Runjeet Sing. They were repulsed with the loss of seven or eight men. Cownher Dawnsaa was the person whom the mother wanted to make regent, and as his party by the assistance of the Rohillas was as strong as Runjeet Sing's, the latter apprehended the consequences and therefore entered into a correspondence with Nudjif Cawn, and I should imagine that Dike will soon fall into his hands, or else a peace will be made upon very advantageous terms to him. It is also probable the Rohillas will not hold out long, as the son of their Chief is in confinement with Runjeet Sing, who threatens to make his life answer for any attempts the father may make contrary to his views.

There is now every probability of Nudjif Cawn's being soon relieved from the present war, but I should imagine his country is in too distracted a state and his treasury too low to admit of his undertaking new enterprises, otherways the Gossaynes have entertained a correspondence with him and he has expressed his inclination to assist them. At all events they ought not to have time given them to strengthen their confederacy, especially as the Mahrattas have been invited to join in it. I do not hear of any certain measures they have in consequence adopted, and from all appearances, there is little probability of their

coming before the Nabob (if he gets money) will have the opportunity, as I hope, to settle the Doab.

At the same time that Nudjif Cawn and the Nabob correspond in the most amicable style, they still privately encourage the disaffected persons in both Governments to take refuge with them. Nudjif Cawn has applied to the Nabob for his assistance, as he complains heavily that the confusion created in his country by the war and the drought will inevitably reduce him to great distress, it not being possible for him to collect any considerable revenues during the ensuing year. Notwithstanding it is in every respect the interest of these two Princes to be upon amicable terms, they bear one another such an inveterate enmity that they will hardly ever be able to depend upon each other's assurances. Ellye Cawn and Basheer Cawn foment the division. The former has a considerable property. The latter saved some matter before his flight, he has united in strict alliance with Nudjif Cawn, at whose instance he stopped at Agra, where he now is.

The King remains in the same distressed state without money or resources, perplexed by the intrigues of Abdul Ahut Cawn and perpetually insulted. Sabiter Cawn, who had entered into Abdul Ahut Cawn's views, was obliged to leave Delhy, to defend the small extent of country remaining in his possession against the Sikes who are now at Gossgurra to the number of five thousand horse. The main body is retired.

The King has, at Abdul Ahut Cawn's instigation, written to Timur Shaw a very long letter inviting him to come to his assistance and proposing a double marriage between their children. By intelligence only received this day, it is said that a part of Timur Shaw's army has actually crossed the Attock. The Sikes and Naseer Cawn, a Prince, who governs a country lying between Lahore and Bissore, well defended by hills, through which he must pass, will oppose him so that I imagine before he enters Hindostan he must have many difficulties to encounter; however as to the authenticity of this intelligence I must refer the Hon'ble Board to my future address.

Upon the whole, fortune seems singularly to have favoured the Nabob, for at the present juncture, a foreign enemy might do him immense mischief, and from probable appearances there is none immediately able to hurt him.

I have the honour to be, &c.,

(Sd.) JOHN BRISTOW,

Resident at Court of the Nabob of Oudh.

• Exd.—T. Y.

 Government of India Central Printing Office.—No. 463 F D.—22 1-89.—500.

Proceedings of the Secret Select Committee from 7th to 27th December 1775.

Secret Dept. Fort William, the 7th December 1775.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, Presiding.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Reconsidered the subject of the late differences between the President and Council at Fort St. George, and the Nabob of the Carnatic, and read the minute and opinion of the Board on the same subject recorded in consultation the 8th November last. The Board having formed this judgment upon an attentive perusal of the order of the Hon'ble the Court of Directors, respecting the extent of the Nabob's authority, and the right of interference allowed by them to the President and Council at Fort St. George, think it proper, for the sake of bringing the whole into one point of view, to subjoin a copy of those orders to the following minutes with a summary recapitulation of them annexed.

Resolved that, in conformity to the sentiments expressed in consultation 8th November, the following letter be now written to the President and Council at Fort St. George and that the Governor-General be requested to write to the Nabob of the Carnatic in similar terms.

GENTLEMEN,—We have attentively read and considered your letter of the 12th August last, together with all the proceedings which you transmitted us respecting the late disagreement between your Government and the Nabob of the Carnatic. We were under extreme concern to observe these unhappy differences; they do not come under our cognizance, either by the controlling powers vested in us by the Act of Parliament, or the instructions of the Court of Directors; and it cannot but be very unpleasant to us to give our sentiments on a matter so delicate; but as we have received a like reference from the Nabob, we consider ourselves voluntarily chosen as arbitrators by each party, and shall therefore gladly take this occasion to offer our mediation in hopes that it may be the means of effecting a reconciliation between you and the Nabob. The occasion not being sought by us, but brought before us in a solemn and deliberate appeal, mutually made by you and the Nabob, we hope and expect that a deference will be paid to our judgment.

[In forming our decision upon the points referred to us, we have allowed great consideration to the several orders of the Hon'ble the Court of Directors, on the extent of the Nabob's authority, and the right of interference given to your Board. These we have made the chief grounds of our opinion, which will be found entirely consistent with them.

We think that you have an undoubted right to offer your advice to the Nabob on all matters by which you apprehend that either the common interest, which the Company's possessions with the Nabab in the Carnatic or even their separate concerns may be affected; but in all matters which respect the internal government of the Carnatic, the management and collection of its revenues,—in a word all acts depending on him as the Sovereign of that country,—he has the sole right of deciding. You may advise, may remonstrate, but can neither demand, insist, nor interpose any degree of authority without breach of the positive orders of the Company.

The greatest tenderness and delicacy should be observed in every communication with the Nabob. This is a rule repeatedly enjoined and in the strongest terms by the Hon'ble Court of Directors, recommended by the example of the King himself, and consistent with the strictest policy.]

But we are of opinion that you have departed from both the above-mentioned rules in your late proceedings towards the Nabob, in the manner in which you have disputed his right to nominate his son Amir-ul-Amra to the command and government of Tanjore; in the severe reflections which you have cast upon the character of that son, and the reproach and contempt with which you have expressed your own sentiments of the Nabob's honour and understanding.

The order issued by you forbidding all the Company's servants and dependants from visiting the Nabob without the permission of the President was consonant to the orders of the Company, and agreeable to the former practice of your Government.

FORT WILLIAM,
The 7th December 1775.

We are, &c.

The Board now proceed to consider the further sources of mutual disagreement, to which the Nabob and the Government at Fort St. George are liable, that they may offer their sentiments upon them in the next advices to the Hon'ble the Court of Directors.

In the first place we cannot reflect upon the nature of the alliance and connection which subsist between the Company and the Nabob without the most alarming apprehensions for the dangerous consequences which they may draw on the Company's interests and possessions in the Carnatic, in the event of his death and the uncertain succession to his Government. From the long union which has subsisted between the Nabob and the Company, the habit of confidence and attachment which a participation of all the vicissitudes and extremes of ill and good fortune experienced by both in a course of near 30 years must have indelibly impressed upon his mind, and the little probability of his shaking off, in the decline of his life, all the ties which bind him to the Company, to the British nation, and even to the person of the King himself, who has honoured him with the most public as well as the most gracious testimonies of his friendship, there is little cause of apprehension during the life of the present Nabob; but none of these causes can operate in the mind of his successor, and therefore it becomes every day more and more necessary to provide for all the contingencies of such an event. Hitherto the alliance between the Company and the Nabob has continued without any express or written engagements, supported only by mutual necessity, and strong natural obligations. These are not likely to exist longer than the person of the present Nabob, whose interest and fears will obviously prompt him to aim at an independency, as, on the other hand, the ambition of those to whom the representation of the British authority in the Carnatic will devolve, may as obviously tempt them to encroach on the bounds of his rights and authority unless a clear line be drawn between them.

The government of the Carnatic, the appointment to commands, the regulation of the forces of the provinces, the collection of the revenues, the correspondence with foreign Chiefs and States, the negotiation and even the execution of foreign treaties—are strictly the rights of the Nabob and must of course descend to his heirs, unless a provision shall be made by future treaty for such cases as may admit or require the intervention of the authority of the Company. It is not easy to establish such a partition and leave the line of their separate powers clearly defined between them, with every degree of precision, that may preclude future contests. Yet this ought to be done, or even the present uncertain system will be preferable to any adjustment that shall leave an opening for encroachments and afford a specious sanction to the strongest under-forced interpretation to attempt them.

In the subordinate government and superintendency of the province the Nabob must be the sole disposer, nor ought the Governor of Fort St. George to interfere without the most clear and urgent necessity.

The appointment to the commands in his army and of fortified places must be left entire with him, but in a like reservation with the preceding article, in cases of extreme necessity, which ought not in decency to be supposed, and which, whenever they shall happen, will suggest their own remedy. In the collections of his revenues no case can occur which could require a foreign interposition. These should be left wholly at his disposal.

He should be allowed to correspond and negociate with whom and in what manner soever he pleased and with or without the participation of our Government; but he ought not to conclude any treaty without the consent of the Government of Fort St. George, nor even without admitting them as parties or principals equal with himself in the engagements; and we think it proper also that he should consult the President and Council at Fort St. George on all matters of importance which may at any time be the subject of his negotiations.

The regulation of his army, the number and strength of every corps ought to be fixed by treaty, without an option reserved to the Nabob to make any alteration in either, without the concurrence of the President and Council at Fort St. George, while the defence of the Carnatic depends, as it ever must, on the military power of the British Government. That Government has a natural right, which cannot be taken from it without hazarding the safety of the whole system, to dictate the means of its defence; in whatever manner the Nabob's military establishment shall be resolved on, it ought to be such as may aid—not counteract—the effect of ours, nor load the Nabob with superfluous expenses. He can neither want infantry nor artillery while he depends on our forces, which consist of both. The Sibendy or country militia will be necessary for enforcing the collections and preserving the peace of the country, and a large and well-appointed body of cavalry will serve to complete all that is wanting to put the united military system of that province on the most respectable footing; neither of these corps would clash with ours, but would render his alliance almost equally serviceable and necessary to us as ours would be to him.

We would recommend to him the appointment of British officers to commands in his army; but those should be left to his absolute nomination, with the exception only of persons who may be obnoxious to our Government, and for this cause it should be required of him, in all new appointments of such officers, to deliver their names previously to the Governor, to give him an opportunity of objecting to improper or disqualified persons. French should be absolutely excluded from his service, whether civil or military; all other Europeans may be admitted, with the consent of the President and Council at Fort St. George.

We observe the Nabob's residence at Chippauk to be much objected to by the Presidency of Fort St. George, as contributing to alienate the Nabob's confidence from their government, by the facility of access which it affords to disaffected or intriguing dependents of our own Government, and by the means of encouragement and confidence afforded to the Nabob himself, in his opposition to the President and Council, by assurances received from individuals and by a daily knowledge of the competitions and inclinations of the different Members of the Council; on the other hand, it may be agreed that by dwelling in the midst of our colony and by a daily association with the English, he will naturally contract an affection to the nation and familiarize himself to its manners and customs; but that a remote residence will breed a strangeness between him and his allies, will expose his mind to be drawn from them by the most dangerous suggestions which his own suspicions or the artifices of ill-advisers may create, and in the end utterly destroy his confidence in the Company; while we allow both sides of the question their due weight, we must offer our opinion that in the present case the Nabob ought to be left entirely to his option. He has passed his youth in the society of the English, and a great part of his life has been spent within the boundaries of Madras itself, from which no pretext could justify his exclusion in his old age. The possession of the jagheer has been another source of great disagreement with the Nabob. We conceive that the first design of the appropriation of this territory to the Company's use was to afford their settlement of Madras and their army the

means of subsistence independent of the Nabob's will or bounty. This design is certainly frustrated by leaving the possession of it in his hands, as the daily supplies of the markets still depend on his power and may be totally intercepted at his pleasure or withheld by the caprice or knavery of his officers.

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Read the following letter from Sir Edward Hughes:—

(*Secret and Confidential.*)

Dated Fort St. George, the 30th September 1775.

Sir and Gentlemen,—That nothing may be wanting on my part towards the success of the treaty now coming forward between your Board and the Ministerial party at Poonah, I take the liberty to relate the information, which I have received from the Nabob, on some particulars, which, if well grounded, are likely to put a total stop to that desired measure. His Highness means, he tells me, to relate the whole to you himself. My wish is to give you as early notice as possible. The Nabob expressed himself confidentially to me, in words to this effect:—

"The Nizam hath written to the Governor-General and Superior Council of Bengal, making a tender of his services to assist in the treaty now coming on between that Board and the Ministerial party at Poonah, offering to aid the English effectually therein, but I have secret intelligence of the duplicity of the Nizam; he hath already made a proposal to join the Poonah party with 50,000 horse, that a like number shall be furnished by that party, and it is well known what choice Hyder Ally Cawn would make of a part to act in this scene. The design being sufficiently ripe for execution, the mask is to be thrown away, and they are in conjunction to break with the English, whom, by the sanguine hopes of the Nizam, they are to find unprepared for such a piece of treachery. My opinion ever was that the Mahrattas should be treated with sword in hand.

"The Nizam never had any affection for the English, and whatever he may at any time do, in concert with them, will be to answer some purpose of his own, which has been instanced already. The Mahrattas formerly took a part of his territory; he hopes *now* to regain it by one means or other.

"My views are all untired in the welfare of the English and for my own country, the Carnatic, and it is well known that they ever have been so."

Thus far the Nabob. I beg leave to add, that I think His Highness sincere, and at all times to be depended on.

(Sd.) Edward Hughes.

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The Governor-General lays before the Board the following paper of intelligence:—

Intelligence of the progress of the expedition which was fitted out from Chandernagore in the winter 1774.

Its destination it seems was not for forming an establishment in the islands in the Bay of Bengal, as then surmised, but for the revenging on the Sultan of Posser, on the island of Borneo, the loss of a French ship which was treacherously cut off by him about two years ago, and all the people massacred. The *Etoile*, a King's frigate commanded by Mr. Danbriant, mounting 44 guns, was sent on this service, with two small vessels to accompany her. Great care was taken to conceal this expedition from the Dutch, who, they suspected, might, from their known jealousy of all Europeans in these parts, give notice to the Sultan of its destination. It is by the return of one of the small vessels to Bengal within these five days that this intelligence is come. The letters bear what Mr. Danbriant arrived at Posser at the season of the year when all the vessels were at home and before the people had any intelligence of him. That they however made a stout resistance, and even boarded one of the small vessels before the frigate came up, but that she soon obliged them to abandon her and that afterwards he sunk, burnt, or destroyed every vessel they had, putting every man to the sword; that he then landed, took and destroyed the town, massacring all the inhabitants who made resistance. That the Sultan to their great disappointment escaped. After this the frigate proceeded to China, and the small sloop was despatched here with the advices. There was

nobody killed on board the frigate, but several on board the small vessel, particularly one gentleman of Chandernagore, who served on board, but whose name is not recollected.

These letters also mark that the new Chief of Balanbangan was arrived in these parts, that he had not repossessed that island, but was, when those advices came, away at a place on the mainland of Borneo, where it was thought he would form a settlement.

Resolved that a copy of the above intelligence be sent to Sir Edward Hughes with the following letter:—

SIR,—We have had the honour to receive the letter which you addressed us on the 30th September last.

We return you thanks for communicating to us the sentiments of the Nabob, Walla Jah Bahadur, upon the projects and views of Nizam Ally Cawn.

Having now obtained intelligence of the destination of the *Etoile*, we beg leave to enclose a copy for your information, and remain with esteem.

SIR,

Yours, &c.

FORT WILLIAM,
The 7th December 1775.

Observations on the Minute of GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS, No. 2, entered in Consultation of the 15th September.

Little can be said on the minute of the gentlemen of the majority, dated the 15th September, No. 2, but what would be a mere repetition of my former addresses. I shall therefore be very concise in my remarks upon it.

My reasons for stopping the payment of the King's tribute, and for the cession of Corah and Allahabad have already been fully explained, and the entire approbation of those measures, which you have been pleased to express in your commands of the 3rd of March 1775, renders me totally indifferent to the reproaches of the gentlemen of the majority on those subjects. Indeed I doubt not but I should have been equally censured by them had I acted on a contrary plan.

It is true that the stipulations which were made with the Nabob Sujah Dowlah, the subsidy excepted, have afforded only a "temporary supply;" but this temporary supply has served for the discharge of the Company's debt, which was before incurred; and the internal resources of the country with the plan of economy established by the late administration are fully sufficient to prevent them from being again involved in difficulties.

I am sensible that in forming estimates of the Company's dead stock it is impossible to ascertain its real value. The enormous sums which have been expended on forts, barracks, cantonments, &c., were disbursed long before my arrival in this country. The expenses on this account since the commencement of my government will be found, on a comparison, to be very moderate. I do not pretend to appraise the Company's property in Bengal, and when I say they are two crores richer in 1775 than in 1772, I conceive it in no way affects the truth of my proposition whether the new fort is stated on both sides of the account at one hundred and fifty lacks or at fifteen.

I have already shown that the excess of the five years' settlement beyond the amount which could be realized proceeded, not from any desire of the late administration to deceive the Company, but from their accepting the highest offers, and from the farmers being themselves deceived in the value of the lands. Balances have ever been incurred in this country, and must continue to be so, until landed property becomes more valuable and the revenue is settled on easier terms. To form a just idea of the present revenues, the actual collections should be compared, not with a settlement, which in almost every district has undergone alterations, but with the actual collections of former years. I must further observe that the majority in their state of the revenue of 1181, make no allowance for the established charges, but compare the nett collections with the gross settlement.

That you may have a comprehensive state of the revenue of these provinces, I have now the honour to transmit enclosed the folllowing accounts:—

Abstract account of demands, receipts and balances of the Dewany lands of Bengal from 1172 to 1181,—No. 1.

Abstract of the ceded lands of Bengal from 1175 to 1181,—No. 2.

Abstract of the province of Behar from 1172 to 1181,—No. 3.

Abstract of the neat receipts from the whole during the above periods,—No. 4.

From these it will appear that notwithstanding the vast loss which the country sustained of its inhabitants by the famine, the nett revenue of Bengal and Behar in 1181, exclusive of the profits of salt and opium, does not fall short of the medium of the years preceding the five years' settlement more than 12 lacks of rupees, of which above half arises from Bazy Jumma, and other oppressive taxes, that have been totally abolished for the relief of the people and in conformity to your orders.

In reply to the observation that "no just and vigorous measures had been taken for accomplishing the reduction of the bonded debt before the arrival of the gentlemen of the majority," I must observe that the former administration had actually discharged a part of it, and by a system of economy and their engagements with Sujah Dowla, had provided the fund for discharging the whole, and I desire the gentlemen of the majority will point out a single measure taken since their arrival which has contributed to the reduction of the debt, either by a saving in the Company's expenses or by an addition to their receipts.

The quantity of salt which may have been smuggled I apprehend was too inconsiderable to affect the Company's sales. I attribute the want of purchasers to different causes, *viz.*, the exclusion of Europeans from dealing in that article of trade, the little confidence which the natives place in the equity and attention of the present Government, and above all the very great quantity of foreign salt imported, which the proprietors can afford to sell even at so low a price as sixty or seventy rupees per 100 maunds. This the gentlemen of the majority know to be a principal cause of the low demand of the salt of this country, although they attribute it to no other but to the immense quantities of salt smuggled from the contractors themselves, or now on hand in the possession of English gentlemen.

There was no contract for opium in the year 1773. It was purchased at Patna for ready money. The contractors in 1774 brought down the opium at their own risk and expense to Calcutta, and paid duties to the Company; whereas the present contractor is to deliver it at Patna. The difference of price, therefore, although considerable, is not so much as it is stated by the gentlemen of the majority; and I am not without doubts of the ability of the present contractor to perform his engagements without loss to himself. At any rate, I should think it extraordinary from any but these gentlemen that my having opened to the Company a new source of profit should be converted into a matter of reproach against me, on the plea that the profit might have been something greater.

I have replied to all the points which required it in the minute of the gentlemen of the majority. A vein of fancy runs through the rest to which it is not easy to reply; but I hope that I also may be excused by their example if I for once deviate from the plain path of business to follow that of speculation and conjecture. Not satisfied with passing their censures on what has actually been done, they have led their imaginations into other probable events, deduced from the principles which they condemn. In like manner I shall venture from the avowal of their maxims to draw the conclusion of the probable measures and consequences which would have taken place had they held the administration in the period which preceded theirs.

The gentlemen of the majority, whose will has been a law ever since their arrival in Bengal, have in general contented themselves with depreciating the conduct of the late administration without aiming at any amendments; few changes in the system of government have taken place: the bank indeed has been abolished, the superintendence of the Courts of Justice has been suspended,

the officers appointed by the late Administration have been removed to make room for others, and endless inquisitions have been undertaken. But the important arrangements of the last Government and the plan for the management of the revenue have been condemned, but are still retained.

From this mode of conduct the gentlemen of the majority derive a great advantage. If the Company's affairs prosper, they attribute all the merit of it to themselves; if they decline, it is the effect of my government, or of the defective system which had been established. But your Hon'ble Court will, I hope, appreciate their services not by their professions, but by the real advantage which the Company has reaped from them. They have been employed in the management of the Company's affairs only twelve months, during which Mr. Barwell and I have assisted in all points of business, with our advice, our experience and our labours. I have served the Company during five and twenty years, have been engaged in various and not seldom in difficult conjunctures, and my conduct has been exposed to a test to which theirs cannot be subjected. Upon my succeeding to this Government, your affairs wore the most unfavourable aspect: your expenses were immoderate, the treasury was drained, and the Company was loaded with a heavy bonded debt without any funds or any prospect of discharging it. Before their arrival the charges in every Department of Government were reduced, the revenue in spite of every deduction yielded nearly as much as it had done at any period since the Company's accession to the Dewany, and the bonded debt was partly paid off and the funds for discharging the whole of it secured.

The short period of their administration, the unimportance of the measures which they have adopted, and the circumspection which party and faction naturally beget, render it difficult to discover the line of conduct which under different circumstances they would have pursued in the management of the Company's affairs. It can only be collected from their maxims of government and from negative conclusions. Yet as it is of consequence for you to be acquainted with the opinions of those who are candidates for your favour, not by the merit of their own services, but by detracting from the services of others, I beg leave to submit to your Hon'ble Court an account of what the gentlemen of the majority would *not* have done, had the government of this country been entrusted to them. To determine what they would have done, had they held the undivided power in Bengal, requires a skill which, whatever may be my conjectures, I pretend not to possess.

The repeated disapprobation which the gentlemen of the majority have expressed at the measures of the former administration may surely be allowed as an undoubted proof that they would not have adopted them, and the Company of course must have been precluded from the certain advantages which they have already produced. In stating these, I will confine myself to such points as are noticed in their minute of the 15th September last.

I will suppose, then, that the government of this country had been committed to the gentlemen of the majority during the period in which I had the honour to hold it, and I will endeavour from their maxims and opinions to draw a picture of their administration and to trace its effects.

The sacred right which they entertain for the faith of treaties (of at least a doubtful validity) would have led them under every circumstance, whether of necessity, of good policy, or of interest, to have preserved them inviolate. They would have found the Company bound to pay the King an annual tribute of 26 lacks of rupees, to guarantee to him the provinces of Corah and Allahabad, to defend the territories of Sujah Dowlah, and to pay the Nabob of Bengal an annual stipend of 32 lacks. Upon reading your orders for reducing the Nabob's stipend to 16 lacks, they would have remonstrated against them as a "breach of public faith," and their anxiety for your honour would have prevented their carrying them into execution. The King's tribute being considered as a just debt, would have been regularly remitted to Delhy, when the King, enticed by the Mahrattas, threw himself under their protection, repaired to Delhy, and abandoned Corah and Allahabad; they would have either undertaken to preserve these provinces which were "trusted" to our good faith and put under our care, or in obedience to his royal mandate would have allowed him to dispose of his territory, and the Mahrattas to take quiet possession of it.

The Rohillas, unable to defend themselves against such powerful neighbours, would either have been obliged to unite their arms with those of the Mahrattas or been reduced to subjection. The Mahrattas thus holding Corah, Allahabad and the Rohilla country and possessed of the King's person, would have appropriated to themselves the annual tribute of 26 lacks and become formidable to Sujah Dowlah and to the Company by their power and vicinity of their dominion. The guaranteed territories of Sujah Dowlah would have been exposed to frequent invasions; and as the Company were bound to defend them without any stipulated compensation, a Brigade would have been marched to his assistance, and from a regard to "justice" and a desire of avoiding the imputation of "hiring out the troops of the State for the benefit of a subsidy," it would have been done gratis. The Mahrattas would soon have discovered the secret of carrying on their operations to advantage. Secure from reprisals, they would have crossed this frontier of our ally, plundered his country, and upon the appearance of our troops, if they still dreaded the English arms, would have retired within the line of their own territory.

Nor would the effects of this refined system been confined only to your political affairs. The same generous concern for the "Company's honour," the same strict adherence to the letter treaties and the same contempt of "pecuniary advantages" would have led the gentlemen of the majority to disregard every means of supplying the Company's treasury from external resources.

I will endeavour to form a list of these resources:—

The cession of Corah and Allahabad to Sujah Dowlah would have been considered as "selling the property of our allies" and the Company would not have received . . .	50,00,000
The troops of the State would not have been "hired out for the benefit of a subsidy." I will estimate this fund only at .	25,00,000
The King's tribute as a "just debt of the State" would have been paid. By their own account it amounts to . .	90,00,000
The Rohilla war has drawn upon me such foul reproaches that it may well be reckoned upon. The consideration to the Company was	40,00,000
There are also some measures of "Finance," which ought perhaps to be added to this account. I will mention only two.	
The gentlemen of the majority question whether I had authority to throw the salt trade back into a monopoly. Their objections against it operate more strongly against that of opium. If these measures are wrong, why are they allowed to continue? At any rate the disapprobation of them implies that they would not have been adopted. I will estimate the profit to the Company only at	20,00,000

Thus the Company would not have gained above two crores of rupees.

I submit to your Hon'ble Court whether the above conclusions are forced or exaggerated, or whether they are not fully supported by the scope of the arguments of the gentlemen of the majority. They exhibit to you a system of refined policy which, however it might have redounded to the "honour of the Company," would, I humbly apprehend, have contributed very little to extricate them out of their difficulties.

In answer, I expect from the gentlemen of the majority an elaborate account of the internal mismanagement of Bengal, and of the wealth which would have flowed into the Company's Treasury from their better services. What credit your Hon'ble Court may be pleased to bestow on these professions it becometh not me to conjecture. When personal and partial accusations shall give way to schemes of public utility, when the views of your Council shall be turned to the administration of justice, to the prosperity of the inhabitants, and to the improvement of the revenue, when our attention shall be employed in giving currency to business, and vigour to government, I also will join in acknowledging the services of your present administration.

(Sd.) WARREN HASTINGS.

Reply to the Minute of General Clavering, Colonel Monson and Mr. Francis entered in Consultation of the 18th October 1775.

I have already entered my protest against the Resolution of the majority for the appointments of Muhamad Reza Cawn and Raja Gurdass and the dismission of Maharaja Rajbulab, in the Consultation of the 18th of October.

On a revisal of the minnte deliverd on that day by Mr. Barwell, I find the subject of those appointments so fully discussed as to leave little for me to add in elucidation of it. Indeed to attempt a deliberate and minute refutation of the arguments which have been made use of by the majority for the justification of their conduct on this occasion would be to allow them more weight than in my opinion they can justly claim, since a plain recital of the Company's orders and of the measures professedly taken in obedience to them will be sufficient to shew their total incongruity. The following is a clear state of both:—

The words of the general letter are as follows:—

Paragraph 46.—The conduct of Nundcomar in the part he has taken against Mahomed Reza Cawn appear to us so very inconsistant and unworthy, that we feel a repugnance to the continuance of his son in the high office of Roy Royan of the province; and as the acquittal of Muhammad Reza Cawn warrants us again to employ him, we direct that if he can with propriety accept of that office, under the regulations and restrictions established by our President and Council, and with the salary granted to Raja Gurdass for executing the same, he be forthwith appointed thereto, and receive a proper khellaut and such other marks of distinction as are usually conferred on natives on like occasions. We mean not by this appointment to restore Mahomed Reza Cawn to any improper degree of power, but merely to testify our satisfaction on finding his former conduct has been so much better than we expected.

Paragraph 47.—And in regard to Raja Gurdass, though we cannot consent to his remaining Roy Royan of the province, yet in consideration of the favourable character we have received of him, we have no objection to his being appointed to any office of less importance, if you shall be of opinion that his behaviour has entitled him to such a mark of our indulgence.

The plain and evident meaning of these orders is that they disapprove of the continuance of Raja Gurdass in the office which had been assigned him as an incitement and gratification of his father's services, whose conduct they condemn; that they therefore direct him to be dispossessed of it, and Muhammad Reza Cawn to be appointed in his stead. They add in explanation of their intentions respecting both that the dismission of Gurdass for his father's demerits was not to disqualify him for any office of less importance to which he might be entitled by his own behaviour, nor Muhammad Reza Cawn restored to any improper degree of power, but employed in such a manner only as might serve to publish his restoration to their favour.

Unfortunately in specifying the office held by Raja Gurdass they have mistaken it for that of Roy Royan, which he never possessed, but which had been given to Maharaja Rajbullub, and this they direct to be transferred from Gurdass to Muhammad Reza Cawn.

It would have been consistent with the respect which is due from the servants of the Company to their superiors to have drawn a veil over any errors which in the variety and intricacy of their affairs are sometimes unavoidable, and to have adopted the spirit of their commands where the letter differed from the facts upon which they were formed. Instead of this rule, the majority have given an *eclat* to a mistake which was in itself of no consequence, by making it the foundation of measures diametrically opposite, both in spirit and letter, to those which had been enjoined. They have conferred on Muhammad Reza Cawn the dignity of Naib Subah, with all the appendages of that high office, which had been abrogated by the late President and Council with the subsequent approbation of the Court of Directors, by which all the powers of the Magistracy and of the Courts of Criminal Justice throughout the provinces center in the person of Muhammad Reza Cawn alone, without a check or control. This certainly was not such an appointment as the Hon'ble Court of Directors alluded to when they said they meant "not by it to

restore Muhammad Reza Cawn to any improper degree of power, but merely to testify their satisfaction on finding his former conduct had been so much better than they expected."

As a preparative to this measure Raja Gurdass was divested of the office which he unworthily filled in the Nizamut; and because the Court of Directors had been pleased to declare that they had no objection to his being appointed to "any office of less importance" than that of Roy Royan, he was appointed to that of Roy Royan, from which they had expressly enjoined his removal.

Maharaja Rajbullub, who lay under no disqualification, who had held the office of Roy Royan by an appointment long since confirmed by the general approbation of the Court of Directors, whose father had an equal share with the Nabob Taffur Ally Cawn in the negociations which laid the foundation of the British Empire in India, was abruptly and ignominiously dismissed to make room for Raja Gurdass, and to expiate in his stead the inconsistency and unworthiness of his father Maharaja Nund Comar.

One cause indeed they have assigned for the dismission of Maharaja Rajbullub, which is implied in their objection to his original appointment, *viz.*, his extreme youth and inexperience. If these are disqualifications, the gentlemen of the majority have been very unfortunate in the choice which they have made of Raja Gurdass to supply his place. Maharaja Rajbullub is at this time 31 years of age and had acted in the character of Roy Royan before his appointment by the late President and Council. Raja Gurdass is at this time but 24 years of age, was never employed in the business of the revenues, and I will venture to say is incapable by any practice of acquiring a competent knowledge of it. This opinion of Gurdass is not of late adoption. It will be found both in my minutes, and in one of Mr. Middleton's in the proceedings of the Committee of Circuit at the time in which he was proposed for the Dewany of the Nizamut, and assigned as the principal reason for giving him that appointment.

I have reason to believe that the Court of Directors in the orders which have been above quoted considered them as strictly conformable to the sentiments which I had myself entertained and even expressed to them upon the subject to which they refer, and will hear perhaps with surprise that these have been made use of to exact a reproach on my conduct and to ground on them the repeal of the measures of the past administration, which have already had their repeated applause and fullest confirmation.

I hope therefore I shall stand sufficiently excused to them if I decline to enter again into a field of superfluous argument to prove the propriety of those arguments, or to convince those from whom I have received the most honourable testimonies of their satisfaction with my conduct, that it was not, as the gentlemen of the Majority are pleased to affirm, "a direct disobedience of their orders." Yet as the Minute of the majority contains many misrepresentations, misquotations and conclusions, which according to my conception do not justly follow from the premises, I shall beg leave to extract such passages of it as appear liable to these objections and insert my replies in the opposite column to them.

The mischievous consequences of departing from this system have been such as the late President and Council might easily have foreseen. For want of a person of credit and abilities to fill the station of Minister, and who, supported by our influence and subject to our control, might represent and act for the Nazim during his minority, the Country Government, which it has been the constant policy of the Company to support, has been reduced to such a state of weakness and insignificance as not even to carry the appearance of a Government either to its own subjects or to foreigners.

The mischievous consequences intended by this paragraph ought to be pointed out. I know of none which were produced by the abolition of the office of Naib Subah, or the appointment of Munny Begum to be the Minister of the Nawab's Government. It is of little consequence whether Munny Begum, Raja Gurdass or Muhammad Reza Cawn, whether with the title of Guardian, of Diwan, or of Naib Subah, be made use of as the instruments of authenticating the acts of Government which affect the foreign European nations. All the arts of policy cannot conceal the power by which these provinces are ruled, nor can all the arts of

sophistry avail to transfer the responsibility of them to the Nabob, when it is as visible as the light of the sun that they originate from our own Government, that the Nabob is a mere pageant without so much as the shadow of authority, and even his most consequential agents receive their appointment from the recommendation of the Company and the express nomination of their servants. Even the orders of the Court of Directors of the 28th August 1771, which direct the appointment of an ostensible Minister to the Nabob, and under which the late arrangements are professedly formed, appear in the printed proceedings of the House of Commons and are open to the view of every nation in Europe.

If more shall be thought necessary for the elucidation of a subject of such self-evidential conviction, I beg leave to refer to the minutes of the Committee of Circuit entered on their Proceedings of the 11th and 28th July 1772 and to my minute of the 31st July last, which went a number in the Northumberlands packet, in which the mode of conduct to be observed with the foreign European settlements and the consequences, of the pretences which have been held out to them by this Government are very fully discussed.

Every Member of this Board must know, and we believe that no man feels it more sensibly than the Governor-General himself, that since the transfer of the lands from the original owners to the present farmers, and since the abolition of the local jurisdictions exercised by the zemindars in their respective zemindaries, which followed that transfer, the internal Government of the country has fallen into a most alarming state of confusion.

I can not subscribe to the opinion which is quoted as mine in this paragraph. In the plan which I delivered into the late Board of Revenue on the 19th April 1774, and to which I suppose it alludes, I mentioned as one cause of the increase of robbers "the removal of that claim, which the public by immemorial usage before possessed, to the restitution of all damages and losses sustained by robbers on the zemindars of the country." It was not the abolition of the local jurisdictions exercised by the zemindars, but of the disuse of the penalty, to which I in part attributed those disorders. The farmers possessed the same power which the zemindars had exercised before, but the penalty was not exacted from them because, as I have stated it in the same minute, it would have fallen ultimately on the Government itself. And so it would if the zemindars had been left in possession and the penalty exacted from them, unless such a share of the rents had been allowed them as was retained by the zemindars, when they held their lands in a less degree of dependence on the Government, which has not been the case for many years before I returned to this country, or even before the acquisition of the Dewani.

By the constitution of Bengal the zemindar presided in the criminal court of his district, pronounced and executed sentence in all offences less than capital, and was answerable to the Nazim for the peace and good order of the country as far as his jurisdiction extended. An institution of this nature might undoubtedly be liable to abuses, but it was conformable to the manners and prejudices of the people, who looked up to their Chiefs alone for justice and protection. It made an essential part of the constitution of the country, and could not be abolished without breaking that regular chain of subordination and dependances by which the Government and the people were united in one political body.

The nature of the jurisdiction which the constitution of Bengal allowed to the zemindars as it is explained in the opposite paragraph differ very widely from the idea which I have always entertained of it. I venture to pronounce with confidence that by the constitution of Bengal the zemindar neither presided in the criminal court of his district, nor pronounced nor executed sentence on all offences less than capital, nor on any offences whatever except the non-payment of the rents. "He was answerable," it is true, for the peace and good order of the country as far as his jurisdiction extended, but only as the subordinate instrument of a larger system. The land servants, or the ancient militia of the country, were under his immediate charge, and being distributed throughout the zemindary, enabled the zemindar both to watch over its internal quiet and to obtain information of whatever passed in any part of it, and so far the fouzdary jurisdiction is inherent in the zemindar. In the exercise of it, he was subject to a foujdar, who had the superintendence of a district comprehending many zemindaries, and had the thanas or inferior stations under the charge of officers and armed men dependant on him, besides a part of the land servants of each zemindary, the rest being employed to guard the villages and enforce the collections.

It was the zemindar's duty to give constant intelligence to the Nawab through the Roy Royan and to assist the Fouzdar in the apprehension of robbers and in executing the measures, which were required of him for preserving the peace of the country; but this duty first and immediately belonged to the Fouzdar, who was the representative of the Nazim, and to him the people looked up for justice and protection even against their Chiefs." The Fouzdar was the check even upon the zemindars, who were often and those of the Dacca district always, the patrons and abettors of dacoits, whose haunts and practices it was their especial duty to detect. In effect the law or custom which made the zemindar responsible for all robberies committed in his district, whatever might have been the purpose of its original institution, operated and was regarded under the Mohamedan Government rather as a punishment for connivance than a fine for neglect. Many instances may be quoted of zemindars who exercised other powers, and particularly in the oppressive custom, which they had

assumed, of levying unlimited fines from their royots on accusations of fornication and a variety of other pretences. Such is the case in all despotic Governments, especially in those which have undergone frequent revolutions; but I believe, and I have authority for believing, that the constitutional powers of which the general Police of Bengal was composed will be found to have been exactly as I have described them. The abuses which were exercised by the zemindars and others in authority are enumerated among other evils by the Committee of Circuit in a letter to the Board, dated the 15th August 1772, in these words:—The zemindars, "farmers, sheidars, and other officers of the revenue assuming that power, which no provision is made by the law of the land, &c." This is a clear demonstration that the zemindars were at that time regarded by myself and by the Committee of Circuit as possessing no right to exercise a judicial authority and being written on an occasion on which we could not be suspected of any biass, will be admitted by every candid judge as a proof that the zemindars really did not possess that right. The zemindar of Burdwan was allowed the exercise of a fouzdary jurisdiction by a special sunnud from the Nazim. I believe there is not another instance, and this is rather a proof of the existence of the system which I have described than an exception to it, otherwise an especial sunnud would have been unnecessary.

Mr. Hastings himself admits these consequences, and declares that by the removal of the zemindary jurisdiction the confidence of the dacoits was increased, &c.

This is misquotation, which by substituting one word for another entirely changes the original sense. It was not by the removal of the zemindarry jurisdictions, "but of the fouzdary," that I declared that confidence of the dacoits was increased, &c., and it was for that reason I recommended the restoration of the fouzdaries.

Abuses will find their way into the practice of the wisest institution, but they ought to be corrected by a steady and vigorous administration, not by rashly forcing the accumulated wisdon and experience of ages to yield to the crude ideas of a few foreigners (for such the English are in Bengal) on a subject which they can hardly be supposed to have understood, even if they had had the welfare of your country ever so seriously at heart.

Men who treat with contempt the opinions of others ought to be very well grounded in their own. The simple construction of this paragraph does not point out with precision whom it intends by "the few foreigners who have rashly forced the accumulated wisdom and experience of ages to yield to their crude ideas." But as the censures of the gentlemen of the majority have never been carried further back than the period of the late administration in which I presided in it, I conclude that it is meant to charge me and my former colleagues with having abolished the ancient constitution of

Bengal and introduced innovations formed on our own crude ideas in its stead.

To obviate any impression which might be made by such an imputation, I am glad of this occasion to declare that all the measures of the late Administration to which the minute now before me has any reference were no more than the forms of government which belonged to the ancient constitution of Bengal revived with such modifications, and such only, as were absolutely necessary to accommodate it to the genius and principles of our own. The Fouzdary jurisdiction was abolished long before the commencement of my government. The custom by which the zemindars were compellable to make restitution for stolen goods was become obsolete, and the courts of justice had fallen into disorder many years even before the Company acquired the Dewany. These changes and corruptions were the natural effects of a disordered system, and the usurped power of individuals under the frequent revolutions to which the country had been subject during the course of the last twenty years; and it was the labour of the late administration to eradicate and correct them, not by inventing new expedients, but by endeavouring to adopt those which the accumulated wisdom of ages had already prepared. Confirmably to this rule the courts of justice were re-established with little other variation, besides the entire separation of the criminal from the civil judicature, and the admission of the authorized jurisprudence of the Hindus, which the bigotry of the Muhammadan rules permitted, but without an acknowledged right to the exercise of it. On the same principles an attempt was made to restore the Fouzdary establishments, but not universally, because we were fearful of hazarding their effects at once over the whole face of the country, till some experience had convinced us of their utility.

The revenues could not easily be collected by the farmers if a power had been reserved to the zemindars to which the ryots might have recourse against the oppression of their new masters.

This is a very strange reason assigned for the establishment of the Fouzdary Adawlats, and is so peculiarly inapplicable to their institution that the oppressions which the farmers exercise over the ryots are not even cognizable in the Fouzdary Courts. Those who candidly read the plan which was formed by the Committee of Circuit for the administration of justice will conceive very different and more liberal sentiments of

It became necessary therefore to form a new plan for the administration of criminal justice. A Court of Fouzdary Adawlut was accordingly established in each district for the

trial of all crimes and misdemeanors.

What benefit indeed could be derived from the new courts of justice when even the regularity and precision introduced into their proceedings are assigned by Mr. Hastings* *as one cause of the increase of robbers*; no stronger proofs can be produced that they were not founded on principles reconcileable to the genius and temper of the people.

the motives and design of the Courts, both of Civil and Criminal Judicature, which, unless I am deceived by my advices, have obtained universal applause in England and have been productive of the most beneficial effects in Bengal.

It is difficult to reply to a reasoning of this kind, which consists only in a superficial state of the argument which it is intended to refute, without a direct conclusion from it.

In the plan which was proposed for the institution of Fouzdaries, four principal reasons were assigned for the increase of robbers, one of which was "the regularity and precision which had been introduced into the new courts of justice," because the Muhammadan law required the positive testimony of two witnesses for the conviction of capital offenders, and the dacoits carrying on their designs in the night and under disguise could only be convicted by presumptive proofs, by the notoriety of their characters, or by their own confession. I know not by what connection this is said to be a proof that the Fouzdary Courts were not founded on principles reconcileable to the genius and temper of the people. The law was introduced into Bengal with the first Muhammadan conquest and is as old as the Roman Civil Law, from which it is probably derived. It has never been found to be repugnant to the genius and temper of the people, and its effects have been such as every nation, however civilized, must have experienced, where justice was administered with a scrupulous exactness. To this defect, which is the defect only of the best institutions, the Muhammadan law has provided one effectual remedy by allowing a power in the Magistrates to interpose an extraordinary authority for the punishment of such offences as the law in its ordinary course could not reach. In such cases, if the guilt was enormous and the proofs amounted to an internal conviction, it was usual, and the law enjoined it, to punish the offender with death, for any example and terror to others, and this practice I ventured to recommend, because it was the law of the country, because it was reconcileable to the genius and temper of the people, and because I know that the peace of the country could not be preserved without it. More I presume need not be said to prove that the de-

* *Vide* Mr. Hastings' Minute of the 17th April 1774.

fects of the Fouzdary Courts, if such can be called defects, were not owing to any form given them by the late Government, but were inherent in their original constitution, and inseparable from it.

As a remedy for this and many other evils which, the establishment of the Fouzdary Courts had either created or not removed, particularly the want of ministerial officers, for the apprehension of offenders, which the new system had not provided for, the late President in his Minute of the 19th April 1774 proposes the further institution of several Fouzdars or officers of police, to be stationed in the districts, with power to apprehend dacoits and other offenders, and bring them to justice.

The gentlemen of the majority very unfairly pass over the real causes, which were assigned for the institution of the Fouzdars or officers of the police, and confine it solely to one which had no original share in it.

The Fouzdars were recommended to be appointed for the guard of the country, because since their former abolition no other, or at least no effectual means, had been provided for securing the peace of the country, because many of the land servants, who were the constitutional guards of the country, had been dismissed, and because the farmers and zemindars being no longer answerable for robberies, either neglected or encouraged them. The encouragement afforded to public robbers by the scrupulous exactness of the Fouzdary Courts of Justice is mentioned for the purpose of recommending another remedy as above explained with which the office of the Fouzdars has no kind of relation.

We have too much reason to believe that the Fouzdars themselves, with their numerous followers, have in many instances either screened the dakoits or joined with them, and that upon all occasions they have made use of their power to plunder and oppress the people whom they were sent to protect.

Affirmations are no proofs. I have reason to believe that the Fouzdars instead of screening the dacoits, as the gentlemen of the majority suppose, did very effectually contribute to suppress them, and produce, as a proof of this, the petition of the ryots of Buzurgomedpoor, which is entered in the Revenue Proceedings of the 7th April last, for the appointment of a similar jurisdiction in that district, expressly grounding their request on the effects which had been produced in the neighbouring districts, from that of Mirzangir.

The Governor-General has repeatedly represented to this Board the deplorable state of the provinces with respect to the administration of justice. He has desired to be relieved of the superintendance of the Fouzdary Courts and control of the Fouzdars, as of a burden to which he is unequal, and has requested us to take the subject generally into our consideration.

This has no evident connection with the preceding subject, nor do I know why it is introduced in this progression. I shall reply to it as it stands, without regard to any other conclusion to which it may point, except the everlasting theme of the impropriety of every measure which was formed by the last Administration. It is true that I have frequently represented the deplorable state of the provinces with respect to the administration of justice, and desired to be relieved from the superintendence of the Fouzdary Courts and the control of the Fouzdars. But I beg leave to assign in this place my

reasons for the one and my motive for the other. The courts of justice were regularly conducted, till the accession of the present Council. From that date the Dewany Courts have been neglected. The Sudder Dewany, to which all appeals were made from the inferior Courts, has been disused and since totally abolished. From the same period may be dated the disordered state of the Fouzdary Courts. To these I used formerly to give a large portion of my time, but neither in the superintendence of these Courts nor in the control of the Fouzdars could I venture any longer to act, when I saw myself deprived of the confidence and support which had formerly enabled me to execute so delicate a trust, and when every occasion was seized by my associates in the Government to weaken my authority and to blacken my conduct.

He should be instructed to superintend the Nabob's education, to choose proper servants and companions for him, and to endeavour to recover him from the dishonourable state of ignorance and dissipation in which we fear he is still immersed.

The implied sense of this sentence is that the Nabob's education has been greatly neglected by Munny Begum. I believe the charge is without foundation. When I met him at Plassy in June 1772, I found him in a state of extreme meanness and deficient in language, sentiment, and even of the most ordinary forms of civility. I met him at the same place next year with a retinue suitable to his dignity and his manner and language totally changed. He was about 14 years of age when he was placed under the tuition of Munny Begum, and I believe it is generally allowed that the bent of genius and habits of inclination which have taken possession of the mind at that period are seldom to be eradicated by any subsequent precept or example, but decide the future character of a man through life.

Another and most important branch of the Minister's duty should be to examine into the actual state of the Fouzdary Courts and conduct of the Fouzdars and to take a general review of the administration of criminal justice throughout the country. We should have full authority given him either to enforce the operation of these Courts upon the present establishment or to new model and correct them.

From this sentence and from other passages in the minute of the gentlemen of the majority, in which they seem to confound the Fouzdary Courts and the Fouzdars, I am afraid from the similitude of the name, which was perhaps too scrupulously retained in the institution of the latter, others who have less means of being informed of the nature of those establishments may be misled to understand them as being connected or as bearing some mutual relation. It may be proper therefore to obviate this misconstruction by a brief explanation of the nature of both.

The Fouzdary Courts are Courts instituted for the trial of all crimes and misdemeanors. The Fouzdars and

officers appointed to guard the peace of the country and to seize all offenders against it. They have no power to judge or to punish, but are to consign such persons as they have apprehended to the Fouzdary Courts, where they are to undergo their trial. This transfer is the only connection which one office has with the other, their proceedings and their authority being totally distinct and independent. Both will, I hope be continued, and the Fouzdary or the establishment of the police extended to every part of the country according to the design of its first institution. I am still of opinion that better plans cannot be devised for the satisfaction of the people and their protection from the worst of oppressions.

(Sd.) WARREN HASTINGS.

GENERAL CLAVERING, COLONEL MONSON and MR. FRANCIS also deliver in their separate address to the Court of Directors per *Salisbury* as follows :—

Dated Fort William, the 21st November 1775.

Since our arrival in this country, it has been one of our principal objects to give the Hon'ble Court of Directors an insight into the real state of their affairs in every branch and department. We must now request their attention to a short and general review of our conduct, the effects it has produced, the difficulties in which this Government is involved, and the state of the country.

Notwithstanding the constant opposition we have met with from the Governor-General and Mr. Barwell, we believe it will appear that our labors have not been useless to the Company. Some salutary measures have been carried into execution; some abuses have been checked or corrected; some important advantages have been obtained: much more might undoubtedly have been done if the system of government in which we found Mr. Hastings involved had permitted him to co-operate heartily with our endeavours for the public service.

We are sensible that, in the regular course of government, the measures of the Council should originate with the Governor, and that it is the duty of his colleagues to advise and assist him.

We came into this country filled with the most favourable impressions of his conduct, and determined to support his administration. The records of the last twelve months will, we hope, justify our departing from this resolution and taking that lead in the conduct of business which naturally belongs to his station. The representations sent home will give the Company but a faint idea of the accumulated difficulties with which we have been perplexed or opposed. We therefore hope that, in reviewing our measures, large allowance will be made for the disadvantages under which we have acted.

1st.—We began with recalling the Company's troops from a service equally unjust, impolitic, and dishonourable. In this instance the approbation of our conduct is anticipated in terms as strong and precise as we ourselves could have dictated, by the general letter of the 7th of March last. No condemnation can be more severe than that which the Court of Directors have passed on the Rohilla war, and on the conduct of the late Administration, even on their own state of the facts. What judgment will the Company form of the measure and of the persons who planned it when they see our representation of it.

2nd.—As soon as it was possible for us to obtain sufficient lights into the nature and institution of the Bank, we resolved to abolish it. In addition to the arguments suggested to us by the Court of Directors, we soon saw the reasons for taking that step, which probably were not suspected at home.

3rd.—We put an immediate stop to an arbitrary inquisition into the titles by which the inhabitants of Dacca held their land in the city. We have reason to believe that this inquisition, which in fact was undertaken by the sole authority of Mr. Barwell, and without the sanction of the late President and Council, would have depopulated Dacca, and spread a general alarm, productive of the same effect, through all the provinces.

4th.—In order to relieve the Company from the burthen of their bonded debt, we set out with a plan of reducing the interest upon the whole debt from 8 to 5 per cent. A considerable portion of the capital has also been discharged. Unless our expected resources fail us, and setting aside the case of a foreign war, which it shall be our study to avoid, or of a domestic calamity which we cannot foresee or prevent, we have great hopes of being able to congratulate the Company in the course of the ensuing year on the total annihilation of their bonds, or at least on the acquittance of so considerable a part of them as to leave a debt too trifling to deserve their attention.

5th.—We have enquired with unwearied diligence into the frauds and corruptions almost universally practised and connived at under the late Administration. In this branch of duty the Governor-General and Mr. Barwell were able to have given us the surest lights, and the most effectual assistance. In this branch of duty they have most strenuously thwarted and opposed us. We lament the success of our enquiries: they are invidious in their nature, and cannot fail to load us with the enmity of individuals. If the importance of a service were to be measured by the labor and anxiety of the persons who perform it, we should not scruple to say that our efforts in this line of duty particularly entitle us to the support and approbation of the Company.

6th.—The Board of Ordnance, planned and recommended by the Commander-in-Chief, will, we believe, be found a beneficial institution. Where considerable savings are the object, regularity is the first step to economy. The operation of a year or two must be allowed to prove the advantages of this establishment. In the meantime the expense incurred by it is trifling.

We are happy to observe that our opinion of the impropriety of employing the Commissary-General, to furnish contingent supplies to the army, is confirmed by the strong disapprobation which the Court of Directors have expressed of this measure in the case of Colonel MacLean; we have anticipated their orders on this head by the regulations under which the above supplies are now furnished.

7th.—The principles on which we have condemned the war in which the Presidency of Bombay have engaged themselves with the Mahrattas, and the steps we have taken to obtain a secure and honourable peace, will, we doubt not, be honoured with the entire approbation of the Court of Directors. They were founded on the knowledge we had of their pacific system of policy; and in effect we have the happiness to see them implicitly confirmed by the sentence passed on the Rohilla war. On the same principle we refused the alluring offers made to us by the Subah of the Decan, to relinquish the Paishcash paid to him by the Presidency of Madras, and to give the Company his aid for the conquest of Cuttack.

The motives on which we have restored Muhammad Reza Cawn to the office of Naib Subah have been clearly explained. To recover the country government from the state of feebleness and insignificance to which it was Mr. Hastings' avowed policy to reduce it was no easy task. According to the Governor-General's plan, we should have confined the only man, perhaps, of real abilities and extensive knowledge in the country to the unimportant office of Steward to the Nabob's household, at a time when a Minister of the Government was wanted, and when the administration of criminal justice through the country was at a stand. The measure seems to us indispensably necessary and promises success.

In recommending Muhammad Reza Cawn to his present post, we presume to think that we have rendered an essential service to the Company.

9th.—The permanent advantages secured to the Company by our treaty with the present Subahdar of Oudh are equally conspicuous and important. They have extorted an acknowledgment from the Governor-General, with which he has not been accustomed to honour any measures but his own. In return for an acquisition of 22 lacks a year for ever, with an increase of fifty thousand rupees to the monthly subsidy of the Brigade, besides many other advantageous and honourable stipulations, hardly any thing is granted on our part, but a personal guarantee of the same countries to the son which we were before bound to guarantee to the father. The frontier country of Ghazipore must, at any rate, have been defended by our arms in case of an invasion, whether the revenues of it had been ceded to the Company or not. These revenues are in effect a clear gain to the Company, and a seasonable relief to the declining circulation of Bengal The measure is strictly and exclusively ours. The original plan was opposed in every step by the Governor-General and Mr. Barwell; it gives us the highest satisfaction to observe that, by the terms of the treaty, the guarantee of the Nabob's dominions and the service of the Company's troops are exactly confined within the same limits which the Court of Directors, in their last letter, have thought fit to prescribe to us in our engagements with the Vizir. In spite of numberless discouragements, our endeavours to serve the Company have not entirely miscarried. If more shall be expected from us, the power and the means must be proportioned to the end. Considering the resistance and opposition we meet with from every quarter, we are in truth unable to determine whether any and what powers are left to this Government. If by our authority as Dewan, confirmed to us by parliament, a farmer be confined for arrears of rent, the Supreme Court of Judicature take the cause out of our hands, decide upon the merits, and discharge the prisoner. If we dismiss the Judge Advocate, he applies to the Supreme Court for a mandamus to reinstate him in his office If we dismiss the Secretary of our own Board, we see him encouraged to bring an action for his salary against his successor. If we order a British subject to repair to the Presidency, he pleads the protection of the Supreme Court of Judicature, and declines or refuses to obey us. If, for reasons of the most serious political importance, we endeavour to support the authority of the country Government and the sovereignty of the Subah, we have not only the foreign factories, but the Supreme Court of Judicature to contend with. They publicly deny the existence of such a Government, and affectedly hold out the person and authority of the prince to the contempt of the world.

According to the doctrines maintained by the Judges, there is scarce any act of Government, however necessary or expedient, which if it tends to control the actions, or to thwart the interests of individuals may not expose the Members of the Council to actions in the Supreme Court. We even doubt whether we are authorized to prevent any persons from quitting the provinces, and going up the country, though we should be certain of their intention to enter into the service of a foreign Power. In these circumstances, many useful and obvious regulations for the benefit of the country necessarily must be left unattempted. A general recoinage has been repeatedly recommended to us by the Court of Directors. Such a measure is without doubt indispensably necessary, but it is of a nature too delicate and important, and likely to be attended with too many difficulties in the execution, to be undertaken with safety by a divided Government, with a hostile Court of Judicature.

We could point out a number of other objects which would deserve our attention, and of abuses which call upon us for redress; but this is not a season for a mere majority of a Council to undertake any measure for the public service in which the learned in the laws of England can discover any thing to cavil at.

While a standard is publicly hoisted against our authority, and every individual in the country invited to repair to it: while protection is given to every man who denies or resists the authority of Government, and while the Governor-General takes a willing and a decided part in every measure that

tends to degrade the Council and to disarm us of our lawful powers,—we are not sanguine enough to expect that any efforts of ours should be equal to the execution of the trust reposed in us. We cannot answer for the collection of the revenues; we cannot answer for the internal Government of the country, nor for the safety of the State. Our utmost endeavours shall still be exerted to preserve the peace, and to promote the welfare of the country, until the necessity or expediency of a new arrangement shall be determined at home. But divested as we are of all power, we owe it to our safety and character to discharge ourselves in the most solemn manner from all responsibility.

(Sd.) JOHN CLAVERING.
„ GEORGE MONSON.
„ PHILIP FRANCIS.

Secret Dept. Fort William, the 13th December 1775.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
THE HON'BLE GEORGE MONSON.
RICHARD BARWELL, Esq.
PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 11th instant.

The Governor-General lays before the Board the following letter which he has received from MR. BOGLE:—

Mr. Bogle.

HON'BLE SIR,—I have already laid before you a report of my late mission into Tibet. As it was impossible at the time of my appointment to foresee my probable expenses in countries hitherto unknown and on a business entirely new, no fixed allowance was made for them. They were left to be defrayed by me as the circumstances should require, and I was ordered to give in an account of them on my return, which I have now the honour to submit to you.

Except the charge of servants' wages, they consist chiefly of presents, the other expenses of my journey being very inconsiderable. For according to the practice in Bootan and Thibet, accommodations of all sorts were provided for me on the road. During my stay in the first of these countries, I had a house alloted for my residence and provisions supplied me by the Government. While I remained with Teshoo Lama, I lived in his palace and every necessary was provided for me by his order.

A sense of this hospitality, a regard to the character of the nation I represented, and above all the desire of forming a connection and good understanding with people hitherto strangers to the Company, and of facilitating my negociations as to trade, rendered presents on my part necessary. These I have charged and at the same time have given credit for such gold dust, &c., as I received in return, but I have taken no notice of some pieces of silk, blankets and Tanyan horses, as they were of little value, and rather entailed upon me an expense. Neither have I charged such of my own effects as I gave away, or other expenses merely personal.

I have only to add that as you were pleased to prohibit me and Mr. Hamilton, who accompanied me, from engaging in trade, these charges were incurred only on the public service upon which I was deputed.

I take the liberty of troubling you with these particulars for the information of the Hon'ble Board. The circumstantial manner in which the accom-

panying accounts are stated precludes, I imagine, the necessity of any further explanation, and will serve to point out the propriety or impropriety of the disbursement.

I have the honour to be, &c.,

CALCUTTA, (Sd.) GEORGE BOGLE.

The 11th December 1775.

Ordered that the accounts referred to in the foregoing letter be entered after the Consultation.

Agreed that the balance of his account expenses, amounting to current R9,063, be discharged by the Buxey.

THE GOVERNOR-GENERAL,—It is my duty to express to the Board the sense I entertain of Mr. Bogle's services in his late deputation, which has been conducted with great prudence and perseverance, and produced all the effects which could have been expected, the means being now furnished for a free communication of trade, between this country and Thibet, which has long been an object of the Company's attention, and earnestly and repeatedly enjoined in their general letters. The accounts which have now been laid before the Board contain an exact account of his expenses, the presents which he has made and received, besides which he has assured me that he has parted with many things of value belonging to himself, and which he has not charged in the account. It must rest with the Board to determine in what mode his service on this expedition shall be rewarded. By the abolition of the Select Committee and lately of the Suddur Dewanny Adawlut, he has lost the only offices which he held in the service, and has now no other employment than that of acting as one of my assistants. I submit it to the consideration of the Board whether a monthly allowance may not with propriety be granted him, from the date of his appointment to proceed on the deputation to Thibet, to the day of his return; the sum I leave at large to the determination of the Board.

MR. FRANCIS—I think he ought to be allowed a monthly salary, and I dare say the Governor-General will not propose any salary in which I shall not be ready to acquiesce.

Mr. Barwell thinks Mr. Bogle should have a monthly salary allowed him.

Colonel Monson thinks he should be allowed a monthly salary.

General Clavering thinks the same.

The Governor-General proposes that he be allowed a salary of R1,200 per mensem during the period of this service, to wit, from May 1774 to August 1775, inclusive.

Agreed that the sum of Sicca R1,200 per mensem be accordingly allowed Mr. Bogle during his absence.

Ordered that the Buxey be directed to pay bills to that amount.

The Governor-General lays before the Board the following letter from Bahas Begum, mother of the Nawab Asoph-ul-Dowlah, received by her servant Coja Shagoon Ally Khan.

From the Bahoo Begum, mother of the Nawab Asoph-ul-Dowlah, received the 22nd of December 1775.

A long space of time has elapsed since I have had the pleasure of a letter from you, during which I have been continually on the rack of expecta-

tion. I formerly sent you a letter expressive of my friendship through the channel of Mr. Bristow, to which I have not yet been favoured with an answer. I do not impute this to unkindness, but supposed that you never received that letter. How shall I represent to you my distressful situation? My grief is without bounds and my life a burden to me. Since the decease of the late blessed Nabob I have bid adieu to all worldly affairs, and with a broken heart given myself up to sorrow. I cannot bear the reflection of my own melancholy situation; how can I represent it to others? My wounded heart is made to bleed afresh every instant, and fortune seems to take delight in tormenting me.

As my son the Nawab Asoph-ul-Dowlah is entirely inexperienced in the affairs of the world and ignorant of what is good or bad, Murtezza Khan has taken advantage of his inexperience and turned his thoughts to frivolous amusements, and has taken on himself the entire management of all the affairs of the Government, appointing his brethren Foujdars in all the different Soubahs. My son, the Nabob Asoph-ul-Dowlah, took from me the first time 13 lacks of rupees for the discharge of the dues to the English Chiefs, giving me a written engagement to repay this sum in the space of a month; the second time he sent Salar Jung and Murtezza Khan to me with a message importing that he was in want of money to discharge his debts to the English Chiefs. I then delivered seven lakhs of rupees with jewels. The third time he came to me himself and informed me of the importunity of the English Chiefs. Though I was convinced that this was a lesson taught him by Murtezza Khan, I nevertheless delivered him six lacks of rupees in specie together with jewels. He gave me a written engagement and promised on oath that all these sums should be repaid me. Some time afterwards my son sent Mr. Bristow to me for further sums. Mr. Bristow wrote me many letters desiring that I would furnish money or the Nabob's affairs would be ruined. After a long correspondence Mr. Bristow went to the Nabob, and soon afterwards came to my house accompanied by Salar Jang and Murtezza Khan, and sent a message to me that if I would furnish the sums wanted quietly, it was well; if not, he would withhold provisions from me and take the money; that he would even beat my people and send men into my house to plunder whatever they found there. I returned for answer "Do whatever is in your power." As Mr. Bristow was concerned in this affair, it was at last settled by an agreement under that gentleman's seal on the payment of the sum of 30 lacks of rupees. Out of these 30 lakhs it was agreed that 11 lacks should be in goods, elephants and camels, and the remainder in specie and jewels. I assented, concluding that as Mr. Bristow was a party in the affairs, it would be conducted in a proper manner, but they valued the goods which they took at a fourth part of their intrinsic worth; how then could I make good the sum? The amount of the several sums taken from me by the Nabob Asoph-ul-Dowlah in specie, jewels and goods is 56 lakhs of rupees. He formerly gave into my possession for the discharge of the monies due to me the Mahals of Ackberpore, &c., but after a few days took them from me again.

My son and Murtezza Khan sent me word that I had written to and received many letters from Mr. Hastings, that I now saw of what effect they were—such ironical answers did they send me. I did some time ago write you a letter, but mentioned therein nothing to the disadvantage of my son. This you well know. Let me have a letter in answer from you, and write to the English Chiefs to afford me their assistance and support, and communicate to me the substance of such letters, that I may apply to them in consequence.

Murtezza Khan is striving with all his might for the ruin of this ancient family, which he wishes utterly to destroy. If it is your pleasure that the mother of the late blessed Nabob, myself, and his other women and infant children should be reduced to a state of dishonour and distress, we must submit; but if, on the contrary, you call to mind the friendship of the late blessed Nabob, you will exert yourself so effectually in favor of us, who are helpless, as to remove Murtezza Khan. He is the author of all the evil. I have no displeasure against the Nabob Asoph Dowlah. Let him be master of his own affairs. If you do not approve of my remaining at Fyzabad, send a person here in your name, to remove the mother of the late Nabob, myself, and about 2,000 other women and children of the said blessed Nabob's, together with the

women of the Nabob Burhan-ul-Mulk and those of Sufdar Jung, from this city, that we may reside with honour and reputation in some other place. We cannot even exist here. Whatever remedy occurs to your wisdom, let it be applied without delay, for we are now brought to the very brink of dishonor. In the Nabob's lifetime he was possessed of no more than this single Soubah, and the dues to the English Chiefs were paid out of the revenues of it, as also the expenses of his army and his own. At present that the Soubah is increased to three times its former extent, what becomes of the revenue? No one thinks of making this enquiry, but sums are continually taken from us, helpless women. Murtezza Khan possesses the sole authority in the Nabob's family, and his brethren are Foujdars over all the provinces, the revenues of which they embezzle and dissipate.

Murtezza Khan and Mr Bristow as soon as they had taken the 30 lakhs of rupees from me went to Lucknow, from whence Murtezza Khan sent word that my people were not to be admitted into the Kellah, in consequence of which they have been prohibited going there, nor are any of my things suffered to be brought out. Murtezza Khan has also sent word that the things which his people took from me are the property of the Sirkar, *that they must not be considered as part of the 30 lakhs of rupees, but sent to the Nabob.* A guard has been placed on my goods.

I one day sent some copper furniture to be sold in the bazar, but the guard would not suffer them to pass. I say frequently, take the copper utensils at their value as a part of the 11 lakhs of rupees, but no one will attend to me. In a word I am reduced to the most astonishing distress. For the sake of God and of your Prophet relieve me from my misfortunes. It is written in the coulnama.—" I have taken 56 lakhs of rupees on account of my inheritance," I sent word that others had a right to part of the inheritance. Murtezza Khan replied I had taken the inheritance of all. I have now given you a detail of every circumstance. I send to your presence Mahomed Shagoon Ally Khan, an eunuch who is possessed of my confidence. For further particulars I must refer you to him.

I enclose for your inspection copies of the coulnamas in my possession, under the seals of Mr. Bristow, the Nabob Asoph-ul-Dowlah and Murtezza Khan.

I went to the Nabob when the hour of his death approached and asked him to whose charge he left me; he replied—" Apply to Mr. Hastings whenever you have occasion for assistance; he will befriend you when I am no more and will comply with whatever you may desire of him." The recollection of the long friendship which subsisted between you has induced me to write you so particularly.

In the colunama given by Mr. Bristow and the Nabob Asoph-ul-Dowlah it is written that it is agreed 19 lacks of rupees out of the 30 shall be in specie and 11 lakhs in goods, elephants and camels. I accordingly paid the 19 lakhs in specie and jewels and with respect to the goods, elephants and camels which I delivered on account of the 11 lakhs of rupees, the Nabob Asoph-ul-Dowlah and Murtezza Khan have sent word that they are the property of the Sirkar and will not be allowed as a part of the 11 lakhs of rupees. I wrote a full account of these circumstances to Mr. Bristow, who returned me for answer, at the desire of Murtezza Khan, that those goods, elephants and camels are the property of the Sirkar. I returned an answer to Mr. Bristow in which I said " From whence should I procure them. All that I possess is by the bounty of the late blessed Nabob." Nobody will pay attention to this, but they are bent at all events to dishonor me. They have again sent people to disgrace and force money from me. I have all along placed my reliance on you. Should the answer to this letter be delayed, my affairs will be ruined and I shall suffer the greatest disgrace. Let me be speedly favored with a satisfactory answer, for which I am very anxious. The affair before-mentioned was settled on condition of my paying 30 lacks of rupees. I accordingly paid 19 lakhs in specie and jewels and gave goods, elephants and camels to the value of 11 lakhs. When an account of the price of the several goods was making, Murtezza

Khan sent word to have them brought without valuation, which was accordingly done. I sent word of this to Mr. Bristow, saying—"Is this the method of observing engagements?" He replied—"I am told by the Nabob and others that the goods you have delivered are the property of the Sirkar." No one will pay attention to what I say. Asoph-ul-Dowlah and Murtezza Khan have again sent people to me to demand 11 lacks of rupees. Where shall I procure this money? I am oppressed beyond measure. Favor me with a letter to Mr Bristow to the following purport, that one company may be stationed as a guard at my house to prevent my being oppressed. Write also to the English Chiefs here that whenever I have a mind I may begin my journey to Kerbelah, and that no one is to obstruct or hinder me. When I am delivered from the burden of these misfortunes I will proceed to you. Should I be tired with remaining here, I will go to Benares or Azemabad, and stay there for some time, or will proceed to you. Be so kind as to write on this subject to the English Chiefs here, and direct that whenever I choose to set off for Benares or Azemabad, they are to supply me with an escort to conduct me thither in safety.

The late blessed Nabob called you his brother and mine also. Exert yourself so effectually in favor of us, helpless women, that Murtezza Khan may be displaced and Mahomed Elich Khan and Mahomed Busheere Khan be restored to the offices they held in this Soubah in the lifetime of the late blessed Nabob. By them the revenues will be collected, and whatever sums are due to the English Chiefs I will cause to be paid out of the revenues. This I will strictly perform. I am induced to represent all these matters to you solely from my regard to the prosperity of this family. Do you act in such a manner as to secure the prosperity of this family, by which your name will be transmitted with honor to the latest posterity, for having preserved your friendship to the late Nabob beyond the grave. Murtezza Khan is so far from wishing well to this family that he is desirous of its destruction, that he may raise himself on its ruin. He is in fact at present possessed of absolute dominion.

You have doubtless learnt the transactions of this part from the newspapers. I have written nothing but truth. For the rest, you are the master to act as you think most proper. Favor me with an immediate answer to this letter.

[The enclosures mentioned above are the same as those transmitted by Mr. Bristow and have been already translated and sent into the Council.]

Agreed that it lie for consideration.

Government of India Central Printing Office.—No. 469 F. D.—11-2-89.—500.

Proceedings of the Secret Select Committee from 3rd January to 25th March 1776.

Secret Dept. No. 1. Wednesday.

Fort William, the 3rd January 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

PHILIP FRANCIS, Esq.

The book of standing orders upon the table.

Read and approved the Consultation of the 27th ultimo.

Received the following letter from LIEUTENANT-COLONEL PARKER:—

Lieutenant-Colonel Parker.

GENTLEMEN,—I last night had the honour of receiving your commands of the 6th instant, and in compliance thereto, I shall the first favourable opportunity return the presents made to me by Raja Cheyt Sing.

I am with the greatest respect, &c.

CAMP AT BELGRAM, *The 21st December 1775.*

NAVILL PARKER.

GENERAL CLAVERING lays before the Board a letter which has been transmitted to him by LIEUTENANT-COLONEL CUMMINGS from the King's Minister Nujab-o-Dowlah.

The King's Minister to Lieutenant-Colonel Cummings.

I formerly sent you a friendly letter accompanied by a Shukka Khas, in which I informed you that although you had addressed no friendly letter to me the warmth of my friendship induced me to begin a correspondence; this you have doubtless received. My friend, I have for a long term of years entertained the sincerest regard for the English Chiefs; for example, I have the most ardent friendship for the Nabob Sateet Jung, Lord Clive, the Nabob Shums-ud-Dowlah, Bahadur, the Nabob Amand-ul-Dowlah, Mr. Hastings, General Parker, and General Clavering, and reflecting on the uprightness, good qualities and virtues of the said gentlemen, I entertain the most unlimited regard for you also.

You, my friend, may have heard from report that Cossim Ally Cawn is arrived here with a view of paying his respects to His Majesty and of remaining at the Presence. As I learnt that the English Chiefs were displeased with him I did not introduce him, and he remains in distress without the city. I have repeatedly written to the Nabob Asoph-ul-Dowlah, that as His Excellency is coming to the Presence and will be accompanied by the Chiefs, whatever measures will give pleasure and satisfaction to the English Chiefs regarding Cossim Ally Cawn shall be carried into execution. His Majesty has also said—"At the time that we resided at Illahabad, the English Chiefs petitioned us, that if Cossim Ally Cawn came into our power, we would keep him under our authority." At this time, in spite of prohibitions, and in opposition to the pleasure and orders of His Majesty communicated to him in repeated shukkas sent to interdict him, he is arrived. As the Nabob Asoph-ul-Dowlah is now coming to the Presence, if you also or Mr. Bristow come with him, whatever will gratify the English Chiefs in rerpect to the said Cawn, I will represent it to the Presence, and carry it into effect, for it is well known to me that he has unjustly spilled much blood, and has forgot the obligations due to the friendship of the Chiefs. The said Cawn being now arrived in opposition to His Majesty's and my will, you must regard me so entirely imbarked for your gratification, let no uneasy thought enter your mind on account of the arrival

of Cossim Ally Cawn; I have written to the Nabob Asoph-ul-Dowlah, be assured that whosoever is an enemy of the English Chiefs him I regard as my enemy.

*The Nabob Asoph-ul-Dowlah has repeatedly written to me to procure Cossim Ally Cawn's dismission from the Presence, which I have accordingly effected. If he takes his departure it is well, but should any difficulty arise on this occasion when the said Nabob arrives here it may be remedied.

* This paragraph appears to have been written after the letter was finished and in a different handwriting

The question is put whether this Board shall authorise Lieutenant-Colonel Cummings to accept the offer made by Nujab-o-Dowlah for delivering up the person of Cossim Ally Cawn into the hands of this Government.

Mr. Francis.—I think that no means should be neglected by this Government for seizing and securing the person of Cossim Ally Cawn in order to his being brought to condign punishment, if indeed any punishment can be supposed equal to his crimes. I think Colonel Cummings should be directed to accept the offer made by the King's Minister, and that it should be signified, through the same channel to the King, that we shall consider his surrender of Cossim Ally to us as a singular act of grace and friendship to the Company and of regard to the British nation.

Colonel Monson.—I think they should.

General Clavering.—Also thinks so.

The Governor General.—I am of the same opinion, but I think it necessary to add that this opinion goes no further than the terms of the question, but I shall not recommend nor shall I approve any declarations to be made to the King or to his Minister which may admit of a construction, however remote from the direct meaning of the expression of a promise implied in it, that a return shall be made for so great an instance of condescension. I think it will be sufficient if the acceptance of the offer be accompanied with acknowledgment of the King's favor to the Company, and of his justice manifested by such an act; this will amount to the same sense nearly as the compliment proposed by Mr. Francis, but cannot be interpreted into anything like a promise or an obligation to make a return for it.

Resolved that Lieutenant-Colonel Cummings be authorised to accept the offer of Nujab-o Dowlah, &c.

Agreed that the following letter be immediately written to him:—

To Lieutenant-Colonel John Cummings, Commanding the 2nd Brigade in the Field.

Sir,—The Commander-in-Chief has communicated to us a letter from Nujab-o-Dowlah, the King's Minister, which you transmitted to him proposing to deliver up the person of Cossim Ally Cawn to this Government.

We authorise you immediately to accept the offer of the Minister, and we desire you will through him express our acknowledgment to the King for this token of his favour to the Company, which we also consider as a mark of his regard for the British nation and a manifest instance of his good and impartial justice; in case you obtain possession of the person of Cossim Ally Cawn in consequence of this offer, we direct that you advise us immediately and keep him under a strong guard until you receive our further orders respecting him.

Fort William, We are, &c.

The 3rd January 1776.

Reconsidered the letter from Buhoo Begum, mother of the Nabob Asoph-ul-Dowlah, recorded in Consultation of the 21st of last month.

This letter having been circulated with the following note, the opinions entered after the note were returned:—

A translation of the letter from Buhoo Begum.

The Governor-General requests that the Members of the Board will be pleased to consider this letter and to deliver their statements upon it to enable him to write an answer, the person who brought it being very impatient to obtain one and having refused a house which the Governor had offered him to live in, preferring to remain in his budgerow that he might be in readiness to return with the answer.

I. P.

Private Secretary.

I should be glad to know the Governor-General's sentiments on it.

I. CLAVERING.

G. MONSON.

P. FRANCIS.

I should have been better pleased on such a subject to have concurred in the resolutions which the other Members of the Board might have thought it proper to pass in consequence of the present remonstrance than to offer my separate opinion upon it, in the uncertainty whether it would be adopted. All my present wish is that the orders of the Board may be such as may obviate or remove the discredit which the English name may suffer by the exercise or even the public appearance of oppression on a person of the Begum's rank, character, and sex. Had the Nabob chosen to have made use of the means with which his own power alone supplied him to exact money from the Begum, his mother, this Government would have wanted a pretext to interfere in her behalf. But as the representative of our Government has become an Agent in this business, and has pledged the honour and faith of the Company for the punctual observance of the conditions under which it was concluded, we have a right to interfere, and justice demands it, if it shall appear that those engagements have been violated, and an injury offered to the Begum under the cover of the authority by which they were contracted. I am therefore of opinion and recommend that a letter be written by the Board to Mr. Bristow commanding him to remonstrate to the Nabob against the seizure of the goods as his own original property, which he received from his mother in payment of the eleven lacks stipulated to be so made, to insist on the Nabob's receiving them in payment, and that he either admit of the valuation which she has put upon them, or that he allow them to be approved by persons appointed for that purpose by both parties. And that Mr. Bristow be further ordered to request, and if necessary to insist in the name of this Government, that the Nabob do grant permission to the Begum to repair to and to reside within any part of which she may chuse of the Company's territories.

If these propositions are approved it will be necessary to give other orders for the accommodation of the Begum in any place which she may chuse for her future residence, and these may be conveyed in the name of the Board by Mr. Bristow, either to Mr. Francis Fowke, or to the Chief of Patna, as it would be improper to notify to either the intentions of the Board, on a point of such delicacy, until it was finally determined.

WARREN HASTINGS.

I think the Nabob should be informed of the representation which the Begum has made to this Government, and a copy of her letter sent to him. I join with the Governor-General in thinking that the goods which the Begum has delivered should be appraised, and whatever their value may appear to be, under 11 lacks which the Begum engaged to pay, she ought to be made acquainted with the difference, for it was upon the full accomplishment of her promise that Mr. Bristow's guarantee was to have its effect. Provided that the

Begum be desirous of withdrawing her person within these provinces and the Nabob do consent to it, I think every assurance of protection should be given to her, and a proper place provided for her residence; but I cannot consent that the Company's authority should be employed in placing both Elich Cawn or Burhur Cawn in their former offices, agreeably to the Begum's request, because the Nabob, considering them as his mortal enemies, would never be prevailed on to acquiesce in their return, from the certainty, that his removal from the musnud and probably his death would be the certain consequence of such an event.

I. CLAVERING.

The Begum's letter should be sent to the Nabob and Mr. Bristow as it contains a charge against them; and a breach of faith in this Government in the conduct of the Resident which it will be necessary for him to obviate. She should be informed of the sums of money the late Nabob owed this Government by treaty for services performed, and which were not liquidated at his death; that she received the advantages of the Rohilla conquest, the plunder of those countries being deposited with her; as she succeeded therefore to all the Nabob's wealth it is just she should discharge the demands due for those services by which she is the principal gainer. The Vizier's estate has not been divided according to the usual custom of Mahemedan Princes. The present dispute turns upon the value of goods, elephants, and camels. I do not conceive, according to strict justice, these effects to be the Begum's property, as I understand women can claim a right only to what is within the janana; but if it be a condition made by the Nabob with his mother that he should take these things in part of payment of the thirty lacks, the value of them should be ascertained by arbitration.

If the Begum has an inclination to retire within these provinces she may be received; the Nabob's consent being obtained and it being understood that she is not to expect any support from Government. We have no right to insist that the Nabob should restore Elich Cawn and Burhur Cawn; such an application from us would be justly offensive to him.

G. MONSON.

The Board have already approved of Mr. Bristow's conduct in negociating the late agreement between the Begum and the Nabob; until she has fulfilled her part of it she has no claim to the Company's protection. Before we determine whether she has been ill-treated or not, we ought to hear the Nabob's reply to the charges contained in her letter. For this purpose, and that he may be able to judge from whose advice they originate, a copy of it should be communicated to him. With respect to the property, of the effects in question I am inclined to think with Colonel Monson that women can claim a right only to what is within the janana. The property being determined, the value, if disputed, may be settled by arbitration or public sale. I cannot conceive that she has the least right to interfere in the Nabob's Government. In a country where women are not allowed a free agency in the most trifling domestic affairs, it seems extraordinary that this lady should presume to talk of appointing Ministers and governing kingdoms. Upon the whole, I look upon the letter before us not as of her writing, who probably cannot read, but as the composition of some of her servants, perhaps of the eunuch who brings it. With respect to receiving her into the provinces, I shall have no objection to it provided she can obtain the Nabob's consent; without that she can have no right to remove the immense wealth she possesses, or even her own person out of his dominions.

P. FRANCIS.

Agreed that Mr. Bristow be desired to recommend it to the Nabob that the goods taken by him from the Begum be appraized by such persons appointed to value them as shall be agreeable to both parties and resolved—

That a retreat shall be granted by this Government to the Begum if she can obtain the consent of the Nabob to her retiring into these provinces.

Resolved also that as soon as her engagements with the Nabob, to which Mr. Bristow is a party, shall be fulfilled on her part, this Government will think themselves bound to protect her against any further demands or molestation.

The GOVERNOR-GENERAL.—I dissent to the second resolution, because I think by being made guarantees to the engagements between the Nabob and the Begum we have a right to require his consent to her removal from his dominions, as we can have no other security for the faithful performance of those engagements, and it may not be in the power of the Begum to make a second application to this Board after the notification of this to the Nabob, in which case we shall not have it in our power to afford her protection not knowing that she is injured.

MR. FRANCIS—I think that Mr.Bristow should be ordered to observe the conduct of the Nabob and his Minister to the Begum, and to assure her of his readiness to interpose in her behalf, if she should at any time hereafter have reason to complain of ill-treatment. We have no right to suppose that the Nabob will violate an engagement guaranteed by this Government as long as our present influence at his Court continues; at present there is no appearance or likelihood of its diminishing; if, however, any injurious attempt should be made against the Begum, after she has fulfilled her part of the agreement, I shall be inclined to give her a retreat in the provinces. At all events I don't think that in the present circumstances we should be justified in doing it now.

Agreed that orders be sent to Mr. Bristow agreeable to the terms of the above minute.

Resolved that a copy of the Begum's letter be sent to Mr. Bristow with orders for him to communicate the contents of it personally to the Nabob only.

THE GOVERNOR-GENERAL.—It appears so consonant to the principles of strict justice to afford those who are accused, the means of vindicating themselves that I shall request the Board's permission to wave at this time entering the objection which I have to this resolution, as it will be necessary to explain my sentiments very fully upon it. I approved of the resolution and should recommend it for communicating the Begum's letter to Mr. Bristow; I disapprove of its being made known either to the Nabob or to Murteza Cawn.

MR. FRANCIS.—Having observed in the Begum's letter a passage apparently reflecting on Mr. Bristow's character and conduct, and charging him directly with having sent a message to her in his own name that he would stop her provisions, beat her servants and sent people to plunder the jenana, I beg leave to lay before the Board a literal translation of the whole passage as I think it differs materially from the first translation, *viz.*:—

"After a great deal of writing and reading Mr. John Bristow went to the *light of my eye* (an expression applied to a son). Afterwards Mr. John Bristow and Salar Jung Bahadur and Murteza Cawn came to my door and sent word, if you easily deliver sums it is well, otherwise having stopped *water and grain* (meaning provisions of all kinds) I will take monies, even your *people* (literally *men*.) I will beat, and having sent people into the mahul, whatever goods shall be there, I will plunder."

The Board will observe that in the construction of this sentence there is a sudden and irregular change of the person which makes it uncertain who it is that speaks in the first person, or who it is she means to charge with having

sent the message. I submit my opinion to the Board that Mr. Bristow should be required to explain this part of his conduct, and that the Begum should be asked whether she received the message in question directly from him or by the channel of any of his servants.

Resolved that Mr. Bristow be required to explain this part of his conduct and relate very circumstantially all the conversation and messages that passed on that occasion; and agreed—

That in the reply to the Begum she be asked whether the message was delivered to her directly by Mr. Bristow or through the channel of any of his servants.

Resolved that with respect to her recommendation of recalling and replacing in the former offices Muhammad Elich Cawn and Burhur Cawn, the Nabob is the master of his own Government, and this Board cannot with propriety interfere.

Resolved that Mr. Bristow be addressed as follows :—

To—Mr. John Bristow.

Sir,—Buhoo Begum has addressed a letter to this Government by one of her eunuchs, a copy of which we think it necessary to transmit you enclosed, that you may personally communicate the contents to the Nabob but to him only, acquainting him at the same time, if he should demand a copy of it, that you are not authorized to grant him one.

As some parts of the letter contain direct charges against you, we expect a full explanation of that part of your conduct, and desire you will relate very circumstantially all the conversation and messages that passed on the occasion referred to by the Begum.

With respect to the articles taken by the Nabob from the Begum, we think that they should be appraized by such persons appointed for that purpose as may be agreeable to both parties, and received by him at the amount of their valuation, in part payment of the 30 lacks which she had engaged to supply.

We therefore desire that you will recommend this mode of adjustment to the Nabob. If the Begum can obtain the Nabob's consent to her retiring into the Company's provinces to fix her residence there, we shall agree to grant her a suitable retreat. We have apprized her of this circumstance in reply to her letter, and have also informed her that as soon as she shall have fulfilled her engagements to the Nabob, to which you became a guarantee on behalf of the Company, we shall think ourselves bound to protect her from any further demands or molestations of the Nabob, her son.

We have also told her in reply to her recommendation of Muhammad Elich Cawn and Burhur Cawn to be replaced in their former offices, that the Nabob is master in his own Government, and that we cannot with propriety interfere.

We have ordered the officers whom we have appointed to the Nabob's service to proceed to the English camp at Belgram by the 1st March next, and we desire you will take such measures, as may be necessary, to forward the plan particularized in our last, and for carrying it into execution in the best manner you can, by fixing the stations where the officers are to recruit men and horses for forming their respective corps.

It will be further necessary that each of the officers of these corps should be furnished on their arrival at Belgram with the Nabob's instructions for their further proceedings, and that he should prepare a specific fund for the expenses of each corps.

Fort William, We are, &c.

The 3rd January 1776.

Resolved that the officers appointed to the Nabob's service be required to proceed immediately to the English Camp at Belgram to assemble there in or before the 1st of March, on pain of being superseded in their appointments, in case they should not be there by that day, when they will receive instructions from the Nabob for their further proceedings.

The rank of Captain Webber, one of the Captains appointed to the Nabob's service not being ascertained, he holding only a commission in the King's service which gives him no rank in the Company's.

Agreed that he be granted a Brevet Commission of Captain to rank as such in the Nabob's service and in the Company's, when he shall act with the Nabob's troops in conjunction with the brigade from the 7th June 1773, being the date of his commission in the King's service, and this commission is to endure only so long as he shall continue in the Nabob's employ.

Secret Dept. No. 5. Thursday.

Fort William, the 25th January 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

Read and approved the Consultation of the 15th instant.

The following minutes from GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS having been delivered to the Governor-General for perusal are now returned:—

Minutes from General Clavering, Colonel Monson, and Mr. Francis to the Court of Directors.

1. The necessity of reading and answering the Governor-General's voluminous addresses to the Court of Directors makes a considerable addition to our labours. Our observations on those which he has sent home by the *Northumberland*, under several dates, from the 16th of May to the 30th July, shall be confined to the matter before us, and introduced without preface. If we may judge from our own rulings, the representations already transmitted, on both sides, must have exhausted the patience of the Court of Directors.

2. The Governor-General accuses us of attacking him with declamation and invective; yet, from the first outset of the differences between us, he has not ceased to attribute every one of those measures which we thought it our public duty to pursue, and which we do not doubt will stand the test of a Parliamentary inquiry, to a premeditated design to drive him from the Government. A man, who on all occasions, permits himself to ascribe our conduct to so base a motive as the *sole immediate purpose of working his overthrow* would have no title to complain of any terms in which we might think fit to retort such injurious treatment. But although we have his own example to plead, we do not admit that we have followed it. The proofs produced against him, both positive and presumptive, are too strong to require the assistance of declamation, and whatever emotions the whole or any part of his conduct might excite in us they are certainly unmixed with any personal resentment which alone could give birth to invectives.

3. Mr. Hastings says, it is an insult in his situation to suppose that it requires courage in any man to declare openly against his Administration. After the prosecution so obstinately continued against Mr. Fowke until a verdict could be obtained against him notwithstanding he had been honourably acquitted at his first tryal for the same charge, and after the death of Nundcomar, the Governor, we believe, is well assured, that no man, who regards his own safety will venture to stand forth as his accuser.

4. On a subject of this delicate nature it becomes us to leave every honest and impartial man to his own reflections. It ought to be made known, however, to the English nation that the forgery of which the Raja was accused must have been committed several years ago; that in the interim he had been protected and employed by Mr Hastings; that his son was appointed to one of the first offices in the Nabob's household with a salary of one lack of rupees, and that the accusation which ended in his destruction was not produced until he came forward and brought a specific charge against the Governor of corruption in his office. If Mr. Hastings had been careful of his own honour, we think he would not have appeared himself as the prosecutor of his accusor, and that he would have exerted his influence with Mompersaud to suspend the other prosecution until he had proved the falsehood of the charges brought against himself by Nundcomar. As things are now circumstanced the world may perhaps conclude that this man was too formidable a witness to be suffered to appear, and that any degree of odium or suspicion, which the violent measures taken to destroy him might throw on the Governor's character, was not to be weighted against the danger of his proving the truth of his accusations.

5. Mr. Hastings tells us he was well acquainted with the *infamous character* of Nundcomar at the time when he afforded him his *greatest support* and when he *recommended his son for the high station he now holds.* We know not what was the real object of this crooked policy. If he avows that his purpose was to compass at any rate the destruction of Muhammad Reza Cawn, it will remain to be considered whether the end, however laudable, can justify the means; by his own confession he is not very delicate in the choice of them.

The Governor now declares that it does not belong to him on every occasion to undertake Mr. Graham's defence, and leaves him to answer for himself, the ardent and voluntary zeal with which, but a few months ago, he professed to make common cause with that gentleman, seems to be considerably abated.

6. Neither will he be responsible for the conduct of every Member of the late Administration, or of every gentleman in the Company's service. It seems he has thought it right to *wink* at some of their emoluments however liable to abuses; that in order to prevent ill humour in his Council he has suffered some persons to *benefit themselves by a mode which he disapproved*, and that he considered such compliance as *a necessary sacrifice to the constitution of this Government.* We believe indeed that such sacrifices were very necessary on his part, and we do not doubt that they were reciprocal between him and his Council. Let it be observed however that he does not plead the necessity of winking at abuses until such facts are brought to light in almost every branch of the Administration of the Company's affairs as it is impossible to defend. If he had held this language to us immediately on our arrival, if he had fairly communicated to us the true state of the Government, and laid open the abuses which he was compelled to connive at, or unable to prevent, we should have given him credit for his candour: we should have made allowances for the embarrassment of his situation, and joined heartily with him in endeavoring to bring some of the principal delinquents to punishment, and to establish a more honourable system of Government for the future.

7. The acknowledgments he now makes must appear to be extorted, especially after having affirmed but lately that his administration stood unimpeached. When Mr. Barwell avows the appropriation of above two lacks of rupees from the Company's salt farms of Selimabad, Denkin, Savagepore, and Sundeep during the short time he was Chief at Dacca, Mr. Hastings indeed does not undertake his defence, *but he has still no doubt that he will acquit himself to his own credit, and to the satisfaction of the Court of Directors;* such is the bias of his opinion in his favor! The expectation of our arrival here undoubtedly convinced those gentlemen of the necessity of a strict political union between them; whether it has yet produced that personal partiality to Mr. Barwell which Mr. Hastings now professes will, we believe, appear very problematical to the Court of Directors.

8. Was he unacquainted with Mr. Christie's holding two farms in Dinagepore, or of the shameful oppressions and extortions committed by him there?

Was he uninformed of Mr. Thackeray's farming the whole district of Silhet of which he was Collector;—of Mr. Barthoe's agreeing for ₹14,000 a year from the salt farm of Mundlegaut in return for the easy terms granted through his influence to the zamindar? Was Mr. Fleetwood's holding the farm of Shairgur a secret to him;—or was it to keep Mr. Vansittart in good humour that he connived at his accepting a share in the emoluments of Mr. Bathoe after a fund had been provided out of the ophium contract, for allowing ₹3,000 a month to the Chiefs of the Provincial Councils in lieu of all advantages whatsoever, even those of trade? Did he never hear of Mr William Barton's holding the salt farm of Belloa, and monopolising the salt trade in the district of Luckipore? The transactions of the Committee of Circuit could not be entirely unknown to him, though it may be difficult or impossible for us to obtain direct proofs of all their misconduct. The bribe they received from Mr. Grueber of ₹12,000 for the lease of one farm, and which he paid them out of the Company's advances, united with the fortunes notoriously possessed and carried home by Messrs Lawrell and Graham, will enable the Company to judge upon what principle the whole settlement was made.

9. We admit that the Government of a great empire is not to be conducted with that regularity and exactness which may be observed in a little State;—petty abuses will unavoidably arise, and cannot perhaps be prevented without a loss of time and attention, which ought to be bestowed on objects of greater importance. The Court of Directors will judge whether the abuses already pointed out to them are of a nature to justify the connivance of the Chief Magistrate; or whether, instead of sacrificing his own sense of them *to the constitution of this Government*, it was not his duty to have represented them fairly to his superiors, and insisted upon such a change in his Council as might assure him of support without the necessity of purchasing it by any dishonourable compliances.

10. The Governor's assertion that we have dispossessed his Banian's son of the zemindary of Beherbund, and that we had ordered a prosecution against himself, is contradicted in both instances by the facts; the case of the zemindary is referred to the decision of the Court of Directors, and we have not yet received any opinion from the Company's Counsel in what manner it may be proper to proceed against the Governor. At the same time we confess that we are not very anxious about instituting any suit against him in the Supreme Court of Judicature here.

11. When we affirm that farms to the amount of 13 lacks and a half per annum, and contracts for providing the Company's investment to the amount of 16 lacks more, could not have been heaped upon the Governor's Banian, or his son or his brother, entirely for their own profit, we do not pretend to give the gross and palpable proof of a communication of interests between the master and his servant; this perhaps is impossible. The Court of Directors, however, will observe that in all the abuses already proved, the Banian is constantly the ostensible man in whose name the farm or the contract is held by his master. Mr. Fleetwood's Banian is the nominal farmer of Shaigur;—Mr. Thackeray's of Silhet;—Mr. Christie's of Banjora and Apole; Mr. Barton's of the salt farm of Belloa; and we have reason to believe that not less than one-third of the Company's lands in these provinces are, or have, till lately, been held by the banians of English gentlemen. The Governor's Banian stands foremost and distinguished by the enormous amount of his farms and contracts, to say nothing of the large sums standing in his name in the accounts of money received from the Rannies of Rajeshahy and Burdwan, which have either been proved by the production of the original papers at the Board or by witnesses upon oath; our opinion of Mr. Hastings will not suffer us to think that a participation of profits with his servant would have been *repugnant to his principles*, to assert as he does that *it would have been opposite to his interest* seems too extravagant to deserve an answer.

12. In stating the evidence brought before the Board of his receiving a moiety of the late Fouzdar of Hooghly's salary, he takes no notice of the two letters from the Fouzdar himself, by which the charge is supported.

Without these letters, the authenticity of which was not disputed by the Fouzdar, we should have given but little credit to the evidence of the person who produced them. Mr. Hastings does not deny the fact, nor has he in this or in the case of the specific charge brought against him by Nundcomar, ever ventured to plead not *guilty*. Provided he can secure himself from conviction in a Court of Law he seems to care very little what the Court of Directors or the world may think of him.

13. He seems very ready however to appeal to the knowledge or opinion of gentlemen who have gone from this country, or who have connexions here, for testimonials in his favour. We will not submit our cause to such a tribunal. At a crisis like that which is probably approaching, he has reason enough to expect that a considerable part of what is commonly termed the India interest will be united to support him. Whether we shall be supported or not in the execution of the heavy task assigned us is with respect to ourselves a question of perfect indifference. Let the decision at home be what it may, it cannot but be attended with some personal advantage to us. If we are continued in the Administration of this Government our principles and conduct must be honoured with the approbation of our superiors; if not, we shall feel no reluctance in quitting a country, in which the strictest execution of the most painful and laborious duties serves only to harass and distress us, without offering us the prospect of any proportionate acknowledgment of our services.

14. In answer to everything the Governor-General has said upon the subject of the dismission of Muny Begum, we content ourselves with observing that it was not an operation of such mighty and pompous importance as he makes it. She is not the Nabob's mother. She is not by birth a woman of any rank, but originally as we are informed, a slave and a dancing girl. We consider her merely as an instrument in the Governor's hand to dispose of the Nabob's revenue as he might think proper. His committing the guardianship of the Nabob to a weak woman, as he calls her in another place, is not to be accounted for on any other principle. In this country, still more than in any other, a woman is particularly disqualified for such an office. We affirm also that her appointment was in direct opposition to the orders of the Court of Directors contained in their General Letter of the 5th August 1771. They order the Governor and Council to substitute some person in the place of Mahomed Reza Cawn, who might be well qualified for the affairs of Government, and to recommend him to the Nabob to be Minister of the Government and Guardian of the Nabob's minority. Instead of obeying these judicious orders, Mr. Hastings and his Council divided the office and the salary annexed to it amongst three persons;—the first a weak woman, incapable in this country of any active employment; we believe there never was an instance in India of such a trust so disposed of;—the second Raja Goordass whom Mr. Hastings now calls *a young man of mean abilities, a Gentoo and the son of Raja Nundcomar*;—the third Rajah Bullub, whose youth and inexperience evidently made it impossible that he should be fit for such an office as that of Roy Royan. In the hands of the Governor-General he may be a convenient instrument. By the state of the whole transaction it appears that the first measure of Mr. Hastings' Government was a direct disobedience of the Company's orders.

15. Our appointment of Rajah Goordass was temporary. We had no choice but between him and the Nabob's mother. As for Muny Begum, the present distresses of the Nabob and his family, the clamours of his creditors, and the mean and dishonorable state in which he was kept, sufficiently shows what care she took of his revenues, and in what manner they were disposed of. Her care of his education stands much upon the same footing. While she was destroying his fortune, it is not likely that she should attend to the cultivation of his mind, nor do we conceive it possible she could be qualified for such a trust. The accounts brought down by Mr. James Grant are under examination. The over-payment of near fourteen lacks on account of the Nabob's pension in the year 1772 is admitted by Mr. Hastings as a *material error*. The Nabob's *present* debts *are supposed* to amount to nine lacks, contracted during the guardianship of the Begum. If any regard had been paid to the Company's orders of August 1771, which direct that the Minister of the Darbar should deliver

annually to the Board a regular and exact account of the application of the several sums paid by the Company to the Nabob, such waste and embezzlement could not have happened, but, on the other hand, some gentlemen who appear to have profited by the Begum's bounty would have been precluded from one of the principal sources of their emoluments.

16. The Court of Directors are already informed of the circumstances and motives of our visit to the late Rajah Nundcomar; this was the only mark of favour we ever showed him; the Governor-General himself admits *that we never afforded him the slightest countenance till he became his ostensible accuser.* We are acquitted therefore of using any means to influence him to appear against the Governor, and we challenge Mr. Hastings to point out a single instance where we have contested the power of judicature in his favour. The fate of this unhappy man, which depended on the evidence of several black witnesses, plainly shews that either we do not possess that influence, which the Governor says we derive from the unlimited command of rewards and punishments, or that we did not exert it in his behalf.

17. Comaul-ul-din, the original prosecutor of Mr. Fowke and Rajah Nundcomar, does not appear to have dreaded our supposed resentment or to have expected *the most ruinous consequences from the hand of power by persisting in his accusations.* It is true he is a capital farmer for two branches of the revenue; but it is also true that he is in debt to the Company one lack and thirty thousand rupees; and that he is insolvent. His desperate situation made him a fit instrument for any service and accounts for his conduct.

18. The Governor admits that Deloll Roy, the late farmer of Rajeshahy, did levy those excesses on the ryotts with which Rajah Ramkissun charged him. He had no plea or excuse for such extortions since the farm was let to him at a rent considerably lower than it was before let to the Ranny without having suffered the extortions which were exacted from her. She is the zamindar of the district, and the farm is now restored to her. Our permitting her to recommend another Dewan in the room of NunDuloll was just and reasonable since she is now responsible for the collections. Mr. Hastings attributes this resolution to his having refused to be concerned in the accusations preferred to the Board by Ramkissun. An assertion wholly unsupported by proof or probability admits of no answer but a denial.

We can make no other reply to his assertion that we have determined the succession to the zamindaree in favour of Rajah Ramkissun, but that it is not fact.

19. With respect to the late Fouzdar of Hooghly the Board alone had a right to judge of the contempt shown their authority by the multitude of delays, evasions, and equivocations, to which he had recourse, before he would give us any direct answer whatsoever. His refusing at last to answer upon oath to questions which could not possibly affect his own safety, and Mr. Hastings' excessive zeal to prevent his being put to this test, will not lessen the presumption of the truth of the charge.

20. We now proceed to the Governor's minute of the 30th July. As to the reports that the Begum was compelled to deliver a paper to Mr. Goring containing an account of two sums of a lack and a half each given to Mr. Middleton and the Governor, we pay no regard to that *private information* from which the Governor collects his accounts. Of Mr. Goring's supposed ill-treatment of the Begum, we do not believe that any compulsion was used with her to induce her to make this discovery; if there was, let him prove it. The Court of Directors will see that on her mentioning an intention to come to Calcutta, she had immediate permission given her to remove to this town or to any other part of the provinces. We confess that it appears very extraordinary that Mr. Hastings should employ so much time and labour to shew that the discoveries against him have been obtained by improper means, but that he should take no step whatsoever to invalidate the truth of them. He does not deny the receipt of the money. The Begum's answers to the questions put to her at his own desire make it impossible that he should deny it. It seems he has formed some plan of defence against this and similar charges, which he thinks will avail him in a Court of Justice, and which it would be imprudent in him to

anticipate at this time. If he has not received the money we see no reason for such a guarded and cautious method of proceeding.

An innocent man would take a shorter and easier course; he would voluntarily exculpate himself by his oath.

21. The Governor quotes part of a letter from Nunid Roy. If he had given the whole of it, the Court of Directors would see that it contains an account of seven lacks of rupees distributed among gentlemen in the Company's service out of the Nabob's treasury.

22. We cannot avoid taking notice of the malignant insinuation thrown out by Mr. Hastings upon the event of Mr. Fowke's second trial; that with the aid of his son's evidence, which had been denied him on the first, he had been found guilty on the second. We offer no opinion on the different verdicts given by two juries on the same precise charge, and on the same evidence, but it is well known that the evidence given by Mr. Francis Fowke was clear and strong in his father's favour, and that it was delivered with a candour, caution, and consistency which received repeated marks of approbation from the Bench.

23. We are ignorant of any attempts to overawe and reduce the authority of the Supreme Court, but we agree with Mr. Hastings, that not only he himself, but many other persons in this settlement, have reason to thank God, as he expresses it, for the institution of this Court. At the same time we doubt whether the addresses lately presented to the Judges will be received at home as a satisfactory proof of the high reputation which the Judges themselves tell us they have acquired in this country.

24. We leave them to reconcile this declaration with the charges they bring against us in their letter of the 9th instant, of the facility with which any complaints against the Supreme Court and the Judges of it are recorded in our Consultations. *The united testimony of the whole settlement* in their favor seems to exclude the idea of complaints against their conduct. The fact however is, that we have not received any such complaints against their conduct except in the single instance of Mr LeMaistre, when every part of it was regularly communicated to him as we received it from the Calcutta Committee.

25. In one of the addresses above mentioned the famous Nobkissen takes the lead with the title of *Maharajah* and is followed by Contoo Babu and Santiram Sing, Banians of the Governor and Mr. Middleton and the whole black tribe of Banians. The second appears under the auspices of Mr. Playdell and Mr. Robinson, who have been both turned out of the Company's service. The third is headed by the Armenian Coja Petruce, whose connexions with Cossim Ally Cawn are well known, and we believe are not yet ended. As to the dismission of Mr. Playdell, we have assigned our reasons, and disclaim any right in Mr. Hastings to attribute our conduct to other motives.

26. The notice taken of our visit to Nundcomar in public Court might entitle us to be serious on the subject of visits. Nevertheless we only mention it as a ridiculous fact, that since the delivery of the address, Coja and Mrs. Petrous have interchanged ceremonious visits with Sir Elijah Impey and his family.

27. The Court of Directors are fully informed of every circumstance that has passed between this Board and the Court of Judicature, as well with respect to Nundcomar as to our claim of privilege in behalf of Roy Rada Churn; we will not weary their attention with useless repetitions. The indulgence we endeavored to obtain for Nundcomar arose from motives of compassion, and a consideration of his religious scruples, to which the Judges themselves afterwards yielded a relief which they had refused to our intercessions We are unable to comprehend how any part of our addresses to the Judges on behalf of Rada Churn could reduce them to the necessity of deciding upon the Nabob's sovereignty. Mr. Chambers was of opinion that the Vakeel's claim of privilege might be dismissed on other ground. If his claim had been allowed, his prosecutors, however high in station, would not have been exempt from the censure of the law for infringing the privilege of a public Minister.

28. We believe it to be true that Rada Churn himself did not know that he was entitled to privilege; he therefore did not claim it, in the first instance, and we understand he has made a declaration to this effect before the Chief Justice. The enclosed narrative delivered to us by Rada Churn will shew by what means that declaration was obtained from him. At all events his ignorance of his right is no ground for depriving him of it.

29. The Governor's pathetic representation of Mr. Goring's tyranny exercised over the Begum, the Nabob, and their servants has not a single fact or proof to support it.

Supposing the necessity of dismissing the Begum of which we are every day more and more convinced, we know not how such a measure could be conducted with greater mildness and moderation. The remainder of the Governor's minute is in the same state of declamation. We have made no authoritative demands on the Supreme Court of Judicature, nor proposed any ensnaring questions to them, neither have we reduced the Nabob and his household to a state of servitude: on the contrary, we have relieved him from the vilest dependance upon the caprices of a woman who wasted his fortune, neglected his education, and denied him not only every indulgence but the common necessaries to support an appearance equal to his rank. Our observations on the several accounts of the state of the Company's debts, revenues, &c., sent home by the Governor-General shall be delivered in the separate minute.

30. We have no objection to the general system which Mr. Hastings recommends to the Company for our future conduct towards the Nabob of Oude and the Rajah of Benares. We only observe that the tenderness he expresses for the rights and possession of those Princes but ill-corresponds with his own former principles and practice. When he sold the King's demesne to Shujah Dowla; when he agreed to extirpate the Rohillas for forty lacks of rupees, he had not then, we presume, established in his own breast that plan of justice and moderation towards the neighbouring State which he now professes and recommends to this Government; in effect these doctrines are unnatural to him, and of course he soon forgets them. On the 30th of July he deems it the best policy to leave the country of Benares entirely to the management of the Rajah, and not otherwise to interfere with him than to receive the established stipend, yet on the 31st of August he strongly recommends the sending gomastahs on the part of the Company to buy up all the saltpetre in the Rajah's country; the Court of Directors cannot but remember what mischiefs were produced in these provinces in the years 1762 and 1763 by the licentious conduct of the gomastahs who were spread all over them, nor the part which Mr. Hastings took in conjunction with the late Mr. Vansittart to check those abuses. If gomastahs armed with the Company's authority were once permitted to enter the Rajah's territories, we fear, he would not long preserve his own independence, or even the peace and tranquility of his country; on this occasion we have adhered to Mr. Hastings' professed principles more steadily than he does himself.

J. CLAVERING.

G. MONSON.

P. FRANCIS.

P.S.—We beg leave to annex to this minute a comparative state of the receipts, remissions, and balances of the Provinces of Pachut and Bessenpore for the two years ending in April 1771 with that of the two succeeding years, together with some observations on the extraordinary decline of the revenue of those Provinces.

FORT WILLIAM,
15th September 1775.

J. CLAVERING.
G. MONSON.
P. FRANCIS.

Minute from General Clavering, Colonel Monson, and Mr. Francis.

We have repeatedly declared our apprehension and opinion that the revenues and internal resources of these provinces were in a state of decline. The accounts produced by Mr. Hastings do not, in our opinion, prove the contrary even supposing them to be drawn up with the strictest truth and accuracy. The Government of a great kingdom cannot place a permanent dependance on any other resources but those which the country possesses within itself. The occasional sale of any portion of property whether belonging to ourselves or others;—the hiring out the troops of the State for the benefit of a subsidy, and the refusal to pay just debts, will undoubtedly bring a temporary supply of money into the public treasury, but these are measures which at once imply considerable distress in the Government that has recourse to them, and at best only afford an immediate relief to it. No judge of the internal state of these Provinces, whether it be really flourishing or not—it is not fair to draw our conclusions from a treasury supplied from external sources, and which are not of a nature to be depended on beyond the present moment—we compare the real collections of the Dewanny revenues with the settlement made by the Committee of Circuit, and we find the balances arising in the first three years only to amount to above a crore of rupees. In the other districts the balances and remissions we believe will be found to stand in nearly the same proportion to the settlements.

The revenue from the Dewanny lands as settled for the year ending in April 1775 was rupees 1,92,52,538. By an account signed by Mr. Croftes, dated the 28th July last, the total receipts on account of that year stand thus—

	R
Received into the Khalsa	1,0590,403
Valuation of salt	5,12,014
Balance of cash in the Provincial treasuries . . .	22,63,844
Total .	1,33,66,261
Difference between the settlement by the Committee of Circuit and the receipts	58,86,277
Total .	1,92,52,538

Mr. Hastings, in his letter of the 16th of May, says that the Court of Directors have received repeated explanations on this subject, which he does not doubt "have satisfied them that the late Administration could not wish to deceive them, and that neither their interest nor credit were likely to gain by such a deception." What the wishes of the gentlemen who composed the late Administration might be we know not. We believe they were very little anxious what opinion might be formed of them after they left Bengal. In the meantime it may easily be seen what interest they had in gaining an immediate credit with the Company. They form a settlement upon an increasing jumma for five years, which they well know can never be realised. They strain and exhaust the country for the first year or two, establish their own fortunes, and leave it to their successors to answer for the subsequent disappointment for the Company's expectations, and to extricate the country and the Goverment, if they can, from the difficulties in which they have involved them.

Our intention in closing the yearly accounts at the expiration of the year, and the monthly kists within five days after they became due, was to oblige every officer concerned in the collections to exert himself in the execution of his duty, that the collections might not run in arrears, and that the balances of the preceding year might not be confounded with the collections of the present. We do not mean to relinquish the balances already outstanding, if it be practicable to recover them, but we are convinced that the only way to avoid heavy balances for the future is to allow as little remission as possible after the kists become due.

We proceed now to offer a few general observations on the accounts transmitted home in Mr. Hastings' letter of the 16th of May and 30th of July:—

1st.—We are of opinion that his comparative statements of the quick and dead stock in April 1772 and February 1775 does not prove his proposition that the Company are above two crores richer in Bengal at the latter than at the former period. The credits under each head differ considerably from the intrinsic value of the articles. In the dead stock every article is credited for the whole amount of the money expended on it. The new fort for example is valued at 150 lacks of rupees: this would not be a fair way of estimating the Company's property, even if the enormous sums charged for forts, barracks, cantonments, &c., had been really expended upon them.

The Court of Directors are in possession of too many lights on this subject to make it necessary for us to insist on the fallacy of such an estimate.

2nd.—With respect to the reduction of Bonded Debt, we appeal to the Court of Directors, whether before our arrival here any just and vigorous measures had been taken for accomplishing it.

3rd.—Mr. Hastings affirms that the salt produce, exclusive of the duty, amounts to 10,85,715 sicca rupees from the commencement of the present contracts, from which, however, should be deducted the interest on the advances made by the Company. With respect to the measure itself, we know of no authority he had to throw the salt trade back into a monopoly. The Revenue Consultations are filled with representations of the endless frauds and oppressions which have taken their rise from these contracts; in another year the Company will be better able to judge of the advantages of the new system. The fact is that at present the Company's salt bears no price, there were no bidders at the last sales; we can attribute this alarming failure to no other cause but to the immense quantities of salt smuggled by the contractors themselves, or now on hand in the possession of the English gentlemen. Till these are disposed of, we do not not expect that there will be any demands for the Company's salt.

4th.—The net profit on 3,311 chests of opium produced under the late contract, in the years 1773 and 1774, is stated at 7,85,127 current rupees. Of the above quantity, 850 chests (the profits on which are estimated at 3,54,110 current rupees) were sent to Balambangam, where we have reason to fear it lies perishing, and that the Company will lose the sale of it entirely. In justice to us the Court of Directors will compare the terms of the late opium contract with that which we have entered into for the ensuing year. The last contractor engaged to deliver the opium at 320 rupees the chest. The present contractor engages to deliver the same quantity at 190, which with his commission cannot exceed 202 rupees and a half per chest, and this too under restrictions which tend to insure the good quality of the commodity; if the same care had been taken in forming the late contract the profit on the 3,311 chests produced in the years 1773 and 1774 would have amounted to 11,74,169 instead of 7,85,127 rupees.

5th.—The account of balances in the different treasuries on the 31st of July is liable to the same objections which we formerly made to a similar account, *viz.*, that the several balances are not taken at the same period. Consequently it is possible that credit may be twice taken for the same sums, and that in the balance of the general treasury the deposits, together with the fund for discharging salt balances, are included.

The deposits are in fact no part of the Company's cash, and may be drawn out of the treasury on demand: on the 31st of July they amounted to 10,95,309 C rupees. The salt fund amounts to above nine lacks, and must be considered as a sum appropriated towards the discharge of a debt. Supposing it, however, to be true that on the 31st July there was a balance of near 85 lacks in the treasuries, Mr. Hastings has no right to offer this as any proof of his care of the revenues, or of the flourishing state of the country. The Company's growing debt to the King amounts of itself to above ninety lacks of rupees, exclusive of the arrears of pensions due to Muhammad Reza Cawn, Juggut Sett, and others. The payment of these debts would alone absorb the balance in hand. Whether ultimately paid or not, they ought at least for the present to be set against it. Mr. Hastings has no claim to any merit from

the existence of a balance which is created by the non-payment of the just debts of the State. If the Court of Directors should think fit to authorize us to pursue the same methods of obtaining supplies of money which were practised and boasted of by the late Administration, we do not doubt of meeting with equal success. We may sell the dominions and property of our allies if hereafter any prince should be so unwise as to trust them to our good faith and deposit them under our care.

Sixteen lacks a year may be saved by stopping the young Nabob's pension. He has no protector to appeal to, nor any evidence of his right, but the same public faith by which the Subadarry of the provinces was guaranteed to him for his life, and by which the King held his territory and his tribute.

When these resources are exhausted, when we have nothing left to sell or to save, it will naturally occur to us that we have a considerable army unemployed, which, in conformity to Mr. Hastings' principles and practice, ***should be kept in the constant exercise and discipline of war.*** The little neighbouring States, if there are any which yet preserve their independance, may be disposed of to advantage. The last source of revenue is to put the empire up to auction.

FORT WILLIAM,
15th September 1775.

J. CLAVERING.
GEO. MONSON.
P. FRANCIS.

HON'BLE SIR AND SIRS—

The repeated applications I receive from the Begum of the ill-treatment she meets with, induces me to trouble the Hon'ble Board on this very disagreeable subject. I find all my endeavors to reconcile her and the Nabob in vain; but as the facts have happened so shall I state them, and entreat the particular instructions of the Hon'ble Board.

The heads of the Begum's complaints are as follow: *viz.*—

Article 1st.—That the Nabob's agents at Fyzabad treat her servants in a manner unbecoming her rank and character, so that they have not the same liberty as the other inhabitants of the place.

Article 2nd.—That Murtezeh Cawn, when at Fyzabad, threatened to prevent her servants from bringing her the necessaries of life into the zenana, and did actually, by having a number of military with him when he waited upon her, terrify her and sent her a message that he would order sepoys to force money from her if she did not willingly give it.

Article 3rd.—That the Nabob encourages his agents to make difficulties about the receipt of goods in part payment of the stipulated sum, by objecting to the identity of her property, and claiming effects as His Excellency's which belong to her.

Article 4th.—That in matters relative to her treaty with the Nabob, I have not backed her applications in the style I ought to have done, as the inducement she had for stipulating to pay any sum of money was the confidence she placed in the Company's guarantee of the treaty, and the justice she expected to have rendered to her on all occasions. She therefore makes the Company principals in the violences committed against her.

Most of these heads, I have already troubled the Hon'ble Board with, in my address of the 30th November.

'The violences complained of in the 1st Article I really, from the evidence of any individuals I ever met with, do not understand to have been committed. I before informed the Hon'ble Board that I obtained positive orders from the Nabob not to have any disrespect shewn to the Begum or her servants, and indeed it is improbable anything of the kind could have happened, for Myrza Ally Cawn and Sallar Jung, her brothers, were both at Fyzabad a long time after Murtezeh Cawn and I left it, and were the Governors of the town; they are under many obligations to the Begum, and pay more attention to her than to the Nabob himself. Sallar Jung in particular always backed her assertions relative to her poverty, and was even with difficulty persuaded to undertake the negociation, and throughout the whole of it, did not promote the Nabob's interests so much as he might have done. He joined the Nabob since we left Lucknow, but Myrza Ally still remains with the charge of Fyzabad. In making this complaint the Begum forgets the improper conduct of her own servants, who have hitherto preserved a total independance of the Nabob's authority, beat the officers of his Government, and refused obedience to his perwannas.

I humbly conceive the second Article to be erroneous also, for on the first visit to the Begum, Myrza Ally, Sallar Jung, Murtezeh Cawn and I went together. Sallar Jung had two companies of sepoys as his guard, being the number he generally appears abroad with, and for the reasons given in my first answer, he could hardly be suspected of agreeing to any violent measures.

Murtezeh Cawn had perhaps twenty troopers and some orderly sepoys, but in other respects he did not go with half his usual retinue. The Begum's eunuchs did industriously spread reports of Murtezeh Cawn's ill intentions to break into the zenana and seize all the effects and money that could be found. On the other hand Murtezeh Cawn pretended to be afraid of attempts on his life, and kept a body of sepoys constantly under arms at his house. I considered the reports spread by both parties intended to serve the purposes of discrediting each others, as much as possible, and which I did not believe to have any foundation in truth.

Murtezeh Cawn, when he went from Mindy Ghaut to Fyzabad in April last, was said to have sent a harsh message to the Begum, but this instance being previous to the solicitation for the English to interfere, of course no blame, I humbly conceive, could fall on me for any transactions at that period when I was at Fyzabad. I am persuaded none but respectful language was used to the Begum. One thing only that I remember could be taken amiss, and that was my telling her that unless she paid the money the treaty became null; whether such a hint was necessary, I submit to the consideration of the Hon'ble Board, for the eunuchs practised every art to delay the payment, protesting in positive terms that the Begum had neither money nor effects, though upon my one day representing to her that I should immediately leave Fyzabad unless the conditions were fulfilled on her part, she found means to send six lacks in specie in less than three hours after, and it was hardly a month before that she asserted her inability to pay a single rupee. The copy of the Begum's letter to me making this assertion I troubled the Hon'ble Board with in my address of the 9th September last.

The third complaint I am persuaded is partly erroneous from the Begum's claiming every article of the late Vizier's property, even to his military stores. The Nabob would be very glad to receive anything, but the appraiser appointed by the mutual consent of both parties remains at Fyzabad without having any goods offered him but such as are already in the possession of the Nabob's own officers.

I understand the late Vizier deposited the surplus of his revenues with the Begum, and having died intestate, or at least a will was never produced though one is said to be secreted by the Begum, it left a door open to the disputes which have happened, for according to the Koran, and the usages of the country, the Nabob could claim an infinitely greater share than he has got. It is beyond a doubt that she has money, for her principal eunuch brought me a message one day, not as a matter of any secresy or confidence, that the wealth

[illegible] had amassed was intended to supply an emergency. I answered the Nabob could not well want it at a greater one; and pressed her very earnestly to supply his necessary wants.

That she has jaghires in every respect equal to her rank is evident from her own confession to me in one of her letters, wherein she says her own charges amount to twelve thousand rupees a month, and her income is known to be seven lacks a year.

If the complaints contained in the three first Articles are groundless, I humbly conceive, the fourth is not much better founded. The Begum can make no great claim on the Company for protection, when she herself has infringed the conditions of the treaty of which they were the guarantee.

Let her pay the Nabob the stipulated sum, and he not only consents but is desirous that the treaty should remain in force. He has observed that conduct to the Begum which nature dictates, and so far from harsh usage he has on all occasions treated her with the greatest delicacy.

Murtezeh Cawn is afraid to use her ill, for he knows the influence she has over over the Nabob, and besides this a contract of marriage is to take place between his and Sallar Jung's children.

The Begum had great influence in the late Vizier's time. On the Nabob Asoph-ul-Dowla's accession, he at once placed the sole management in the hands of Murtezeh Cawn, which disgusted both her and her adherents, particularly her eunuchs who have their views in keeping the wealth in the Begum's possession. The principal, Behar Ally Cawn, enjoys her entire confidence; and how far she may be better affected to the English than the Nabob, I leave to the consideration of the Hon'ble Board from the following fact:—On the conclusion of the treaty between the Company and the Nabob, the Begum blamed His Excellency very highly and insisted on his not ceding Benares, offering of herself a sum of money in lieu of it. The proposal was afterwards made to me by the Nabob, but I answered I was not authorized to accept an alternative, and that if he intended to have me represent the matter to the Hon'ble Board, he should give me his instructions in writing and explain his sentiments himself to the Governor-General which he did not do.

As the Begum's sentiments at the present juncture will be best explained in her own words, I trouble the Hon'ble Board with a copy of the last letters I received from her, as also my answers to it.

I have the honour to be, &c.,

CAMP NEAR ETAWA,
The 3rd January 1776.

JOHN BRISTOW,

Resident at the Court of Nabob of Oude.

Enclosure in MR BRISTOW's letter to the Board dated the 3rd January 1776.

Copy of a letter from the Begum, mother of the NABOB ASOPH-UL-DOWLA addressed to MR. BRISTOW.

I have received your agreeable letter and perfectly understand the contents. Some time ago the affair in question was settled in your presence for 30 lacks of rupees. The goods which I delivered for appraisement were taken possession of and carried away. It is not I who interrupt this business, but Asoph-ul-Dowlah and Murtezah Cawn, I am so far from wishing the continuance of this dispute that I am very desirous it should be speedily accommodated, but Asoph-ul-Dowla and Murtezah Cawn do not desire to have it adjusted. I enclose you an inventory of the prices of the broad cloth,

elephants, and camels which I delivered in your presence, by which you will be made acquainted with the value of the several articles; whatever balance remains shall be paid.

You ask me "since the accession of the Nabob Asoph-ul-Dowla, what "ill-treatment or disgrace I have experienced from him." Alas! that you should be still ignorant of it. God forbid that even my enemy should suffer so much disgrace. Murtezeh Cawn stationed a battalion of sepoys at my door and sent me word that if I would quietly deliver the sum it was well, otherwise he would prevent any provisions being brought me and take it. This is not all the disgrace I have suffered; whatever he says is a law. You were not a witness of the late blessed Nabob's Musnud, and without having seen it, you can form no idea of what kind of a ruler he was. You came at an unreasonable time and saw it* *and Asoph-ul-Dowlah on the Musnud of the late blessed Nabob went with him.* There never was an instance in the world of a son exercising such oppression on his own mother as to send her servants to distress and affect her.

Reflect maturely that no such instances even occurred in former times. I have already written you what Asoph-ul-Dowla has done to his own mother and that I am ready to give up my life without fear: whatever he wishes let him do.

I have written the real value of the several articles in the list which I have sent you without the least variation. Did I wish to procrastinate this affair I should have written that the goods which were seized and carried off amounted to 11 lacks of rupees, but I do not wish to delay it, and have therefore written down the real value and sent it to you.

Deduct this and whatever balance appears shall be made good in other goods, Chinaware and bullocks. Guards are stationed over my goods, cause these to be removed that a price may be set on them, and the balance made good; you have repeatedly written me that the coulnama is inefficacious.

You were a party in this affair and took from me the sum of 56 lacks of rupees: if you will cause the 56 lacks of rupees to be restored to me, then the coulnama will not be binding, and do not you then take any part in the affair, and then let Asoph-ul-Dowla and Murtezeh Cawn in whatever manner they are able take sums of money from me. They will then see the consequences.

Contents of the three furds.

1st furd.

Inventory of the prices of the goods *viz:*—

	R
Broadcloth	4,00,000
Broadcloth with raoties, kennauts, and broadcloth raoties, furshes, 2 musnuds, broadcloth numgnas and four white putta puttoo serraichas	20,000
Linen cloths	54,390-8-3
35 elephants, each at 3,000	1,05,000
176 camels each at 100	17,600

2nd Furd.

26 Rutths, 41 Chukras, *viz.*, 4 for the transportation of boats and 40 for that of baggage under Shabaz Ally Cawn for the service of the army; 2 Ghaurthals and 2 Gaulhuls.

3rd Furd.

Rutths, &c, belonging to the Government House hold under the charge of Isahur Ally Khan *viz.*—

	R
22 Rutths at 100 R each	2,200
40 Chukras at R 50 each	2,000
50 Nagowrahs at R 150 each	7,500
198 bullocks of this country at R 25 each	4,950
5 war do. at R 150 each	750
4 bullocks of this country at R100	400
13 bullocks of this country at R400	5,200

* This passage is very obscure in the original—I imagine some words are omitted. The translation I have made of it is quite literal.—(Sd.) I. B.

Copy of Mr. Bristow's answer to the Begum.

I have been honored with your friendly letter accompanying an inventory of bullocks, &c., with their prices and understand the contents. The Nabob consents to take the Rutths, bullocks, elephants and camels at their real value. I represented to the Nabob and Moktar-ul-Dowla what you wrote me concerning the broadcloth at the price of 4 lacks of rupees. The Nabob replied, I have not received the broadcloth and linens: such of those articles as were out Her Highness carried within the mahul. As the Nabob is desirous of paying Your Highness the greatest respect, and has agreed to take the broadcloth and linens, if Your Highness will deliver them, let them be appraised by a creditable Ameen. Anka Cawn has been here a long time in expectation of such employ. Your attendants who related to you the circumstance concerning the stopping your provisions were undoubtedly the inventors of it themselves. It never proceeded from the Nabob, for he never acted in this manner; and it is contrary to the disposition as well as the inclination of the Nabob Asoph-ul-Dowla. Some evil-disposed and malicious persons have thus represented matters to Your Highness, and sown the seeds of dissension. It is incumbent on Your Highness to give no heed to the representations of insidious men, but to regard the advice of well-disposed persons and settle this affair on an eligible footing. With regard to what you write me concerning the compensation for the house at Gorukpore, I shall undoubtedly take the necessary measures in this affair, if you comply with the terms of the Coulnama.

It would not be proper or becoming that Your Highness should not give your assent to my representations, as by denying it, disgrace is brought on the English chiefs. I have therefore given a full and particular account of every transaction to the Governor and Council, and whatever directions I may receive from them I shall carry into execution. With respect to Your Highness's jaghiers, the Nabob agrees to one method which is that you give them up entirely, and instead thereof receive a monthly stipend through the channel of any person you choose to fix on; for the Nabob observed to me that two rulers were too much for one country. By this proposal the Nabob is desirous of promoting Your Highness' quiet, tranquillity and satisfaction. The Nabob says that in this case you will have no vexation, and will constantly receive your stipend without trouble.

The Members of the Board having returned their opinions on the last letter as follow, respecting the Begum, a copy of it was accordingly sent a number in the packet by the *Hilsborough*.

General Clavering.—I am of opinion that Mr. Bristow's letter of the 3rd January ought to be transmitted a separate number in the packet.

J. C.

G. M.

P. F.

Mr. Bristow's explanation of the subject of the Begum's complaints corresponds exactly with the opinion I had formed of them upon the receipt of her letter (expressed in my Minute of the 3rd instant). I think Mr. Bristow's letter should, by all means, go a number in the present packet, together with translations of the papers referred to in it.

P. F.

Ordered that a copy of the translation of the Begum's letter be sent to the Court of the Directors by the Secretary.

Secret Dept. **Fort William, the 7th February 1776.**

Wednesday. AT A COUNCIL, PRESENT :

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

Read and approved the consultation of the 5th instant.

Received the following letters from MR. BRISTOW :—

HON'BLE SIR AND SIRS,—I wrote last on the 21st and, am favored with the Hon'ble Board's letter of the 3rd instant. Agreeable to the directions therein contained, I presented to the Nabob, Buhhoo Begum's address to the Governor-General, at the same time for fear of any omission in my verbally explaining the Board's sentiments I troubled him with a written representation, of which the enclosed is a copy. As His Excellency did not request either this or the letter to be left with him, I had no occasion to excuse myself from it. He informs me he has fully answered every article of the Begum's complaints in a letter to the Governor-General which renders it unnecessary for me to relate any of his observations.

In respect to the particular charge against myself of having in conjunction with Myrza Alli Sallar Jung and Murtchzeh Cawn threatened to stop the necessaries of life from being brought into the zenana, in my address of the 3rd instant I was particular on this subject, and I can further safely assert if any such message was carried to the Begum, that it was wholly without my knowledge or acquiescence. I think it very probable she might have been told this by her eunuchs in order to irritate her against the Nabob. I knew the difficult part I had to act and avoided as much as possible all verbal messages, as misinterpretations might be given to them. The only menace I ever used was to threaten to set off from Fyzabad and leave the Nabob and Begum to settle their differences without the mediation of the Company; for that it was unnecessary for me to stay unless my representations were attended to. It is astonishing that the Begum does not produce any of my letters which were numerous, and upon this evidence, the Hon'ble Board might, at once, acquit or condemn my conduct.

In regard to the Begum's insinuation of her having sent many letters to the Governor-General without receiving answers, I am persuaded all that were transmitted to me I regularly forwarded; but this matter may be easily settled by her dispatching copies of any which may have miscarried. For further particulars relative to the Begum's charges, I had, previous to the receipt of the Hon'ble Board's commands, been explicit in my address of the 3rd instant to which I refer.

In my negociations between the Begum and the Nabob, I have been very disagreeably situated, as I never could give entire satisfaction to either. My motives for entering into them were for procuring money at a time that the Nabob could not have taken the field without it, and his affairs must have materially suffered.

I have the honor to be, &c.,
JOHN BRISTOW,
Resident at the Court of Oud.

CAMP NEAR ETAWA,
25th of January 1776.

Enclosed in MR. BRISTOW's letter to the Board, dated the 25th of January.

Representation made by MR. BRISTOW to the NABOB ASOPH-UL DOWLA.

I have already presented, for Your Excellency's inspection, copy of a letter addressed to the Governor by Her Excellency the Begum, the contents of which you doubtless retain in your remembrance. As you regard the payment of respect and duty to the Begum in preference to every other consideration, it is incumbent on me to give you in writing the particulars of the orders which I have received from the Governor in Council on this subject, that you may clearly comprehend them, and that there may be no possibility of your losing the memory of them.

1st.—Respecting the goods and effects which the Begum may have given or may give on account of part of the 30 lacks of rupees stipulated in the Coulnama, that they be received on an appraisement made by a person mutually chosen for that purpose; I recommend this method of accommodating the matter to Your Excellency.

2nd—Regarding the Begum's coming to reside in the Company's territories, should this meet with your approbation and consent, the Governor and Council will undoubtedly agree thereto, and will treat her with that respect and honor which is due to her rank. This the Governor has communicated to the Begum. Moreover, when the Begum has fulfilled the conditions of the Coulnama, she will not be liable to further demands or trouble on account of money, and no one agreeable to the terms of the Coulnama will in any manner obstruct or molest her. The English Company are the guarantees of this.

3rd.—At the Begum's request to recommend the re-establishment of Mahomed Elich Khan and Muhammad Bushere Khan in their former appointments, the Governor and Council have answered that Your Excellency is the master of your own Government, and that it does not become them to make such a recommendation to you.

Fort William, the 29th February 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

Read and approved the consultation of the 26th ultimo.

The Governor-General delivers in his Minutes sent to the Hon'ble the Court of Directors by the *Hilsborough.*

HON'BLE SIRS,—Enclosed I have the honor to send separate observations on three Minutes of General Clavering, Colonel Monson, and Mr. Francis: one belonging to the General and two to the Revenue Department, and all bearing date the 21st November 1775.

I have the honor to be, &c.,

WARREN HASTINGS.

FORT WILLIAM,
20th January 1776.

Observations on the Minutes of General Clavering, Colonel Monson and Mr. Francis, dated the 21st November 1775.

Hitherto the letters and minutes of the Gentlemen of the majority addressed to the Court of Directors have been confined to one unvaried theme — the condemnation of my conduct, and of the measures of the last Administration. They have now changed the subject to the ennumeration of their own services, but even in this they have not lost sight of their original object, as the sum of their merits on which they lay claim to the applause of the Court of Directors amounts to little more than a disavowal of the principles and a subversion of the measures of the late Government.

They begin with asserting generally that "some salutary measures have been carried into execution, some abuses have been checked or corrected, some important advantages have been obtained." These general positions are afterwards particularized in the following instances:—

1st.—The recall of the troops from the Rohilla War.

2nd.—The abolition of the Bank.

3rd.—The stop put to the inquisition into the titles by which the inhabitants of Dacca held their lands in that city.

4th.—The reduction of the interest on the Bonded Debt from 8 to 5 per cent. and the payment of part of the capital.

5th.—The inquisition into the frauds and corruptions almost universally practiced and connived at under the late Administration.

6th.—The Board of Ordnance.

7th.—The condemnation of the war in which the Presidency of Bombay had engaged with the Mahrattas.

8th.—The appointment of Mahomed Reza Cawn to the office of Naib Subah and the restoration of the powers of the Nizamnt.

9th.—The treaty with the Nabob of Oude.

When this list shall be read by those whose wisdom planned the system established by Parliament for the Controuling Government of India, and compared with the expectations which they must have naturally formed from so great and extensive a design, they may be led to think very differently from the Gentlemen of the Majority of such services, and be disappointed to find, that instead of converting the great powers granted to the Governor-General and Council to the consolidation of the British dominions and the improvement of the British property in India, their time and attention, in a long period of 13 months, have been occupied on no greater objects than negative measures, the temporary adjustment of the right of property in a heap of old ruins, the substitution of a new treaty in violation of former engagements, and attempts to usurp or depreciate the merits of their predecessors.

To show that these are the amount of the services which have been so pompously displayed, I shall take the liberty to examine them in their order:—

1st.—The majority improperly claim a merit in having withdrawn the troops which were employed in the Rohilla war before that service was accomplished. It was imprudent in every sense. It was highly prejudicial to the Company's interests if that service was undertaken on expedient and allowable grounds. It was unjust if that Government was bound by previous engagements to prosecute it to a conclusion; and yet more unjust if it has since exacted the sum stipulated as a part of these engagements.

I cannot admit either the justice or decency of binding the Court of Directors to the interpretation which the majority have been pleased to force on their orders. I understand the paragraph of the General letter of the 3rd March to be an approbation of the Rohilla war.

I understand the disapprobation expressed in their letter of the 7th of March to apply to a subject totally different from it, to a supposition that the troops which were employed in the Rohilla war had quitted the country which was the seat of it, and had crossed the Ganges to engage in an indefinite service beyond the prescribed line of their operations. These censures arose from a misinformation, or from a misconception of the words of a letter from the

late Select Committee, and I presume that the explanation given them in my letter of 25th November which went by the last ship will have totally removed all their displeasure upon this head.

2nd.—The answer from the Provincial Council to the queries stated to them proved that some advantages had been produced from the institution of the bank, and that it was not attended with any inconveniences to justify the majority's hasty abolition of it.

3rd.—This hardly merits a comment; the Council of Dacca had ordered an enquiry to be made into the title by which the inhabitants of the city of Dacca held the lands occupied by them. Mr. Francis warmly espoused the cause of the occupants. The Board ordered the enquiry to be suspended, and this very important act of the Governor-General and Council, which probably was never heard of ten miles from the spot which was the object of it, is blown up into magnitude, and is held up as a measure which, by the critical interposition of the first powers of Government, rescued the City of Dacca and all the Provinces from depopulation.

4th.—This is an usurpation of the merits of the late Administration. The reduction of the interest of the Bonded Debt was unnecessary. The payment of the principal was effected by the Treaty of Benares, by the Rohilla war, by the savings made by the former Board of Inspection in the civil and military expences, by the reduction of the Nabob's stipend, by the suspension of the King's tribute, and by the other economical regulations of the late President and Council. I again defy the Gentlemen of the Majority to produce a single instance in all their measures by which a rupee was gained to the Company, or a rupee saved to them. I beg leave to refer to the Consultations of the 10th of February, 3rd of March and 26th July 1774, which successively ordered that the Bonds of 1769, 1770 and 1771, including all of prior dates, amounting altogether to 38,16,933-10-9 should be discharged; and to my Minute, which was entered in Consultation of the 26th January 1775, recommending the discharge of the whole by means which the different balances of the Treasuries since that date have proved to have been effective; but my recommendation was rejected; and the proposal of General Clavering which was delivered to the Board on the same day for paying off part of the debt by new loans of a reduced interest of 5 instead of 8 per cent. was adopted. In the prosecution of this plan the debt on the 31st December last was reduced to 62,51,280-0-3 bearing 5 per cent interest; and it is certain that, had mine been followed, none would have remained, since the balance of cash in all the treasuries on that day amounted to R97,97,199-8-17-2.

My proposition for liquidating the Bonded Debt was founded on an estimate of receipts and disbursements drawn out by the Accomptants-General which stated the probable balances in the Company's treasuries on the 31st of December last at R18,71,365-5-11. After cancelling the debt and providing for every expence, many flaws in the estimate were pointed out, and the Company were warned against giving credit to the flattering account of their affairs which I had laid before them. I endeavoured to support the probability of the estimate by arguments, and the Gentlemen of the Majority to countravert the principles upon which it was formed. What was then a subject of debate may now be precisely ascertained; and the Court of Directors will please to observe by the accompanying statement No. 1. that although the salt and several other branches of revenue failed in yielding those funds which were expected, the estimate was formed with so much moderation that the surplus balance in the Company's treasuries on the 31st December turned out actually to be near fifteen lacks of rupees more favorably to the Company than what I had supposed it. While I congratulate the Company upon this prosperous situation of their affairs, I have only to regret that they should have continued so long to be burthened with a debt at interest, which the state of their finances could long ere now have cancelled.

5th.—I cannot but allow that the labours of the Majority to obtain accusations against the former agents of the Company have been carried on

with unremitted attention. For this grand object, the management of the current business, and the administration of justice, throughout the provinces, have been neglected.

I do not admit that "the importance of a service is to be measured by the labour and anxiety of the persons who performed it," but by the utility which may be derived from it. Let it be shewn by what obligation, either of office or necessity, the Gentlemen of the Majority were pressed into so regretted a service. Let it be shown how it has operated either in its immediate effect on the present interests of the Company, or tends to influence the future; and that the same zeal which has animated them in their search of past abuses hath equally incited them to attend to the discharge of the trusts which have been directly committed to them, that the revenue has been improved, that new sources of profit have been discovered, that inordinate expences have been reduced, that the dispatch of current business has been promoted, that justice has been administered, that the discipline of the army has been attended to; in a word, that any one important object of Government has been vigorously pursued. But if these duties are neglected by the rulers of a country, it will avail them little to plead in excuse, that busied in arraigning the conduct of their predecessors they were unable to attend to their own.

6th.—I should be sorry to object to any measure of the Gentlemen of the Majority that appears to have economy or real business for its object. I shall not now offer any judgment of the utility of this institution. This can only be proved from the savings which it may produce, and, "as the operation of a year or two is required for this effect," I am diffident in forming conjectures at so distant a period, when I reflect with regret on the many plans from which I myself expected to have derived credit, but which have been blasted while I was rearing them to maturity.

The remarks repeated under this head upon the impropriety of employing the Commissary-General to furnish contingent supplies to the army appear to me as much out of place as unluckily applied to an encomium on the Board of Ordnance which is liable to the very same objection, as the members who compose it, excepting those of the Supreme Council, consist of the heads of those offices which are placed under its immediate controul and superintendancy. I shall avail myself, however, of this occasion to vindicate both the late President and Council and Colonel Macleane from the censure to which this appointment has given occasion by requesting that the Hon'ble Court of Directors will be pleased to read the letter of Colonel Daw upon this subject addressed to the Board of Inspection, on the 23rd of May last, of which I have annexed an extract, No. 2; and I will venture hardily to pronounce upon the strength of it, that whatever reductions may hereafter take effect in this hitherto unbounded stream of military expence, they will derive their origin from the grant of the contingent supplies to Colonel Macleane and to his integrity in the provision of them, notwithstanding the severity with which the conduct of the Board in this instance has been condemned.

7th.- The Hon'ble Court of Directors will be the best judges of the merits of the Gentlemen of the Majority in the steps they have taken to degrade the Presidency of Bombay in the eyes of the Mahrattas, and to deprive the Company of the advantages which might have been secured to them even with an honorable peace which, there is every reason to believe, might have been much sooner obtained by more vigorous measures.

8th.—I do not think that the uncontrouled administration of criminal justice ought to be trusted to any native. If it should, Mahomed Reza Cawn may be as fit for it as any other. As to the Country Government, it must ever, in my opinion, continue feeble and insignificant, while the real power is in our hands and the nominal authority is vested in a person who receives his salary from us and is removable at our pleasure.

9th.—The new treaty with Asoff-ul-Dowla is certainly advantageous to the Company, if the conditions of it can be fulfilled; but of this I ever did and do still entertain a doubt, notwithstanding the acknowledgments which it

is said to have extorted from me, but which I do not remember to have expressed and now disclaim; for I cannot deem it honorable to have extorted from the Nabob concessions inconsistent with our former treaties to which the necessity of his situation alone obliged him, however, unwillingly to submit. The fairest opinion which I could now give of those concessions would be to repeat the substance of my Minutes entered on our Proceedings of the 13th of February and 3rd of March. To those I refer as prophetic (if I may so express myself) of the effects which have been since experienced from the conditions of that treaty.

The remainder of the Minute, to which this is a reply, consists of little more than a repetition of the complaints which have been before repeatedly made against the Supreme Court of Judicature, yet I may not pass them without reply, but I shall make it as brief as possible, placing it in opposite columns to the cases which are stated in the Minute—

If by our authority as Dewan, confirmed to us by Parliament, a farmer be confined for arrears of rent, the Supreme Court of Judicature take the cause out of our hands, decide upon the merits and discharge the prisoner.	This, I suppose, alludes to the case of Comaul Ordun Cawn; he appealed to the Court against an act of oppression and was a proper object of their jurisdiction.
If we dismiss the Judge-Advocate, he applies to the Supreme Court for a Mandamus to *reinstate him in his office*.	Which the Court refused to grant.
If we dismiss the Secretary of our own Board, we see him encouraged to bring an action for his salary against his successor.	I know not who encouraged Mr. Stewart. His friends, I believe, have attempted to dissuade him from bringing his action into Court, thinking it imprudent and likely to prove hurtful to his interest, but it was not in the power of the Court to prevent it.
If we order a British subject to repair to the Presidency, he pleads the protection of the Supreme Court of Judicature, and declines or refuses to obey us.	Not knowing to whom, or to what fact this sentence alludes, I cannot reply to it.
If for reasons of the most serious political importance we endeavor to support the authority of the Country Government, and the Sovereignty of the Subah, we have not only the foreign factories, but the Supreme Court of Judicature to contend with; they publickly deny the existence of such a Government, and effectedly hold out the person and authority of the Prince to the contempt of the world.	The person and authority of the Nabob (I know not who made him a Prince) ought to be held out to the contempt of the world, if these are employed like a sanctuary to protect debtors from their creditors, and criminals from the pursuits of justice. I know no other uses which the Nabob's name and authority can be applied to.
According to the doctrines maintained by the Judges there is scarce any act of Government however necessary and expedient which, if it	I do not believe that any doctrines have been delivered in the Supreme Court to warrant this conclusion of the Majority, nor do I apprehend that the

tends to controul the actions, or to thwart the interest of individuals, may not expose the Members of the Council to actions in the Supreme Court.

Members of the Board are liable to any ill-consequences from the decrees of the Court upon any such of their acts as although not strictly legal shall have arisen merely from error in judgment, and do not evidently tend to purposes of oppression, since there is always an appeal to a superior tribunal.

We even doubt whether we are authorized to prevent any persons from quitting the Provinces and going up the country, though we should be certain of their intention to enter into the service of a foreign power.

The right of preventing Europeans from passing through those provinces to enter into the service of any foreign powers has not been yet before the Court, but I do not conceive it to be a matter of difficulty. The opinion of the Chief Justice delivered in the case of Pavesey, applies only to the right of our Government to expell unlicensed, vagabond foreigners from the country. I cannot let this occasion pass without remarking that the conduct of the Judges in the case just referred to manifests in the most striking manner, the candor and temper with which they examined the acts of this Government, and their endeavors to support its authority.

In these circumstances many useful and obvious regulations for the benefit of the country necessarily must be left unattempted.

This will appear from the Attorney's report entered in the Consultation of the 23rd December in the Secret Department.

A general re-coinage has been repeatedly recommended to us by the Court of Directors ; such a measure is without doubt indispensably necessary, but it is of a nature too delicate and important, and likely to be attended with too many difficulties in the execution to be undertaken with safety by a divided Government with a hostile Court of Judicature.

It will require leisure and attention to carry into execution the orders of the Court of Directors for the improvement of coinage of this country ; but no doubt with respect to the probable interference of the Court in the execution of such a measure either has proved or can prove an impediment to it.

The remainder of their Minute is pure declamation and of a kind which I find it difficult to answer in the want of determinate facts which might serve as a color for their allusions. Where is a standard hoisted against their authority and by whom have the people been invited to repair to it ? Who affords protection to persons denying or resisting the authority of Government? What are the proofs that the Governor-General has taken "a willing and decided part in every measure that tends to degrade the Council and to disarm them of their lawful powers ?"

They form an invariable and decided majority at the Board and arrogate to themselves the whole authority of the State to the utter exclusion of Mr. Barwell and myself. The collection of the revenues, the internal government of the country, and every political arrangement are at their absolute disposal, and every measure they have adopted has operated in its fullest extent. It will avail them but little with their employers and the public to declare that "they discharge themselves from all responsibility," when it is as manifest as the light of the sun that they act as they please, without any present power to controul or oppose them.

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WARREN HASTINGS.

To the Hon'ble the Court of Directors for the Affairs of the Hon'ble United Company of Merchants of England trading to the East Indies.

Hon'ble Sirs,—Although we have differed from the other gentlemen of the Council in our opinion of the propriety of the conduct of the Judges of the Supreme Court of Judicature in those points which have been represented to you as usurpations of the rights granted by Parliament to the Governor-General and Council, and as impediments to the current business of the revenue, yet we are fully sensible of the effects to which the powers of the Court might be liable from their present constitution were they committed to Judges of less moderation and caution than those whom the wisdom of the Legislature hath chosen for the first exercise of them, and of others which are yet unavoidable from the undefined state of the Courts, which were before established for the administration of justice to the inhabitants of these provinces, and which still in part subsist but without any legal authority.

We should have been glad that the sentiment of your Council on this subject had been unanimous; and that we could have cordially joined in recommending such improvements on the system of justice already introduced into this country, as might give the Supreme Court of Judicature a complete and effectual controul over every part of it, and render the other Courts both consistent with its authority and subservient to the general purposes of its institution.

A work of this kind is, however, become the more necessary even from the differences which have prevailed in our opinions, and especially from the alarming contests which have arisen between this Government and the Supreme Court concerning the extension of its authority. We have attempted it, with less diffidence, because though the object was the most important, that could excite the attention of any state, yet the means by which it was to be attained, appeared simple and easy. Nothing was required but to combine the different materials which we found prepared to our hands into one compact form. This we have accordingly done in the inclosed plan, which we humbly submit to your judgment and correction, in the hope that if we shall be so happy as to receive your approbation of it, it may obtain the sanction of Parliament for its confirmation.

We have the honor to be, &c.,

Fort William, The *18th January 1777.*

WARREN HASTINGS.
RICHARD BARWELL.

A plan for the better administration of justice in the Provinces of Bengal.

The distribution of justice in these provinces is yet very defective in two essential points: First, in the want of a provision for cases which are excluded by the late Act of Parliament from the jurisdiction of the Supreme Court of Judicature; and, secondly, in the limitation of the powers of that Court, which is impracticable in many cases, and which, if it were practicable in all, would defeat the first purpose of its institution, if that purpose was to relieve the inhabitants from oppression.

We presume that the Legislature did not intend by the act to form a complete system either of Government or Judicature; but rather an introduction to one more perfect, which should be accomplished by successive improvements, as necessity and experience might suggest them. To effect this it is necessary in the first place that the Government itself should be made entire; the powers which it is permitted to exercise should be legally annexed to it; the distinc-

tions of Nizamut and Dewanny should be abolished, and the British sovereignty through whatever channels it may pass into these provinces should be all in all.

The only use for which the Company have enjoined the observance of these distinctions cannot longer avail them. The French and Dutch have long since repeatedly declared that there is no ruling power in these provinces but the English Company; and if a fact of such glowing notoriety could be disputed, the late publications made under the authority of Parliament itself would afford incontestable evidence of its reality.

The uses, which may be made of these distinctions, in securing the acts of Government from interruption by warrants and writs issued from the Supreme Court of Judicature will be found fallacious on examination, and may be perverted to the most dangerous of all abuses. Those who are aggrieved by unwarrantable acts of Government ought to have a refuge from it. Those who fly to the Court as an asylum against the regular and official acts of Government will be disappointed with costs and fruitless trouble; and it will soon be publicly known what cases are, and what are not, within the cover of its protection. But were every titular department of the Nizamut, and every agent of the Dewanny, to be exempted from the claims of justice, or which would be the same in effect accountable only to the Nazim or his sensible Minister, or to the Governor-General and Council, crimes of the most atrocious nature might be committed by such instruments, private property might be invaded, evidences suborned; and even the lives of men might be sacrificed to accomplish the designs of avarice or ambition, or to gratify private revenge. In a word, every evil, for the suppression of which the Supreme Court of Judicature was constituted and armed with such an extensive jurisdiction, not only over all British subjects and their dependents, but over every person directly or indirectly employ'd by the Company or their agents, might be practiced by those very agents with impunity under the sanction of the Nizamut and Dewanny, and the jurisdiction of the Court reduced to the trial of common felonies and breaches of the peace; and the examination of litigated property among the inhabitants of Calcutta.

The Government being constituted in the manner which has been proposed let the power of the Supreme Court of Judicature, which should accompany it in every stage of its growth, be extended to all parts of the Provinces without limitation, and even to such countries as may at any time now or hereafter be annexed to them as hath lately been the case with Cooch Behar.

If the bounds to which the Judges of the Supreme Court are by nature restricted, could admit of the possibility of their deciding in their own persons all the causes and offences which might be brought before them in so extensive and populous a country as this is, their jurisdiction alone would be a sufficient blessing to it. But this is impossible, they must have aids. These should be conformable to the laws, usages and manners of the people, to the necessities of the State, and to the constitution of the Supreme Court, in such points as might be found necessary to connect them with it, and fix their dependance upon it.

The following plan is proposed on these united principles. It has for its groundwork the plan which was formed by the late President and Council in August 1772 with the alterations since made to it in December 1773 on the establishment of the Provincial Councils.

1st.—That the following Courts be established for administration of justice.

(*1st*) The Sudder Dewanny Adaulut or Superior Court.

(*2nd*) The Provincial Councils.

(*3rd*) The Courts of Adaulut Dewanny, Zillajat or Provincial Dewanny Courts.

(*4th*) The Courts of Adaulut Dewanny Mofussul, or Subordinate Dewanny Courts.

That the first of these shall be composed of the Governor-General and Council, and the Chief Justice and Judges of the Supreme Court of Judicature, assisted by the Roy Royan, the Canongos and other Chief Officers of the Khalsa. That not less than three members shall decide on any cause, of whom one shall be a Member of the Council and another a Member of the Court, but that the whole may sit if they chuse it. That this Court shall receive all appeals from the Provincial Councils in causes of personal property exceeding one thousand rupees or of Mulguzzarry lands (or lands which pay the common rent to Government) the jumma of which (or rent paid to Government) is more than one thousand rupees, or of alienated or free lands of which the jumma is more than one hundred rupees. That its decrees shall be final. That it shall be lawful for the Court, if they see occasion, to receive fresh exhibits, and to examine new witnesses to any appeal before them; but not to take up any cause which shall not have been appealed from the Provincial Councils. That the Court shall sit every Wednesday without a summons, and as often besides as the business may require by a summons from the Governor-General.

That the second shall consist of the Provincial Councils in their usual and official meetings assisted by the Provincial Dewans, the Canongos, Mowlavies and Pundits. That they shall hear and determine all complaints from the inhabitant of their respective divisions, or refer them at their option to the 3rd and 4th Courts, and that they shall receive such appeals as shall be made to them from the 3rd and 4th Courts. That the judicial proceedings of the Provincial Councils shall be entered on their official records; but that separate copies shall be extracted of their proceedings on all cases which shall be appealed and be transmitted to the Sudder Dewanny Adaulut.

That the third shall be superintended by a Member of the Provincial Council in each division in yearly rotation, assisted by the Provincial Dewan, the Canongos, one Mowlavy and one Pundit, who shall be appointed by the Governor-General and Council to hear and determine all complaints from the inhabitants of the division with an appeal, as above, to the Provincial Councils. That these Courts shall be held in the capital town of each division. That they shall sit regularly three days in every week, and oftener if the business shall require it. That the Superintendant of each division shall deliver into the Provincial Council on, or before the 5th day of each month, a fair copy of his proceedings in the preceding month, and that an abstract of the same containing the names of the parties and the causes of action, and expressing for whom the decree was given, be immediately transmitted by the Provincial Courts to the Sudder Dewanny Adaulut to be kept in the records of that Court.

That the fourth shall consist of the Naib Dewan and the Canongos of each respective district, one Mowlavy and one Pundit, which shall be appointed by the Governor-General and Council. That they shall be held in the Cutchery, or capital town of each district formerly superintended by the Collectors. That they shall sit four days in every week and oftener if required. That they shall hear and determine all complaints from the inhabitants of their districts with an appeal as above to the Provincial Councils of the divisions to which they respectively appertain.

2nd.—That it shall be lawful for the Governor-General and Council and the Chief Justice and Judges assembled together in the Dewanny Court to frame such laws, rules, and ordinances as they shall judge necessary whether for the regulation of the proceedings of the Dewanny Courts or for the good government of the country, and for the welfare of the people, and to amend or repeal such laws, rules, ordinances and usages in being, as they shall judge detrimental to Government, or to the welfare of the people; but that it shall

be necessary in both cases that the majority of the Members of the Council, and the majority of the Members of the Supreme Court shall agree in the said resolutions without which they shall not be valid. That such regulations shall be subject to the same controul in England as the rules and orders formed by the Governor-General and Council with the allowance of the Judges as directed by the Act of Parliament.

3rd.—That all the forms, usages and rules which have been generally practiced, or which have been constituted for the management and collection of the revenues, shall be valid and legal untill they shall be repealed, or abrogated by the Governor-General and Council and by the Chief Justice and Judges in the manner directed by the preceding Article. This is proposed to obviate all doubts, although the practice of the Court has been invariably guided by this maxim, and the Chief Justice on reading this article has declared that he considers the local laws and customs of the provinces proved in the Court as rules by which he is to administer justice in the same manner as the local laws and customs in England are understood to be part of the common law thereof.

4th.—That it shall be lawful for the Royroyan and the Superintendant of the Khalsa Records to issue their warrants under the seal of the Royroyan and signature of the Superintendant of the Khalsa Records to apprehend any person against whom complaints shall be made and referred to them, either by the Governor-General and Council or the Judges, or by any individual of either, to answer to the said complaints and to summon witnesses to attend and to give evidence on the same. That they shall report to the Sudder Dewanny Adaulut their proceedings on such complaints, but shall not inflict any punishment, nor detain any person in custody, against whom complaints shall have been made longer than forty-eight hours, nor on any person summoned as an evidence longer than the time which shall be required for his examination.

5th.—That it shall be lawful for Royroyan and the Superintendant of the Khalsa Records to issue their warrants under the seal of the Royroyan, and signature of the Superintendant to apprehend any farmer, under-farmer, security, or other person of whatever denomination, on whom the Chief and Members of any Provincial Council shall have complained for payment of the public revenue, and shall require them by a letter under the hands and seal of the said Chief and Council to apprehend and send the said persons to the said Provincial Council; and that it shall be lawful for the Royroyan and Superintendant of the Khalsa Records to cause the persons whom they shall have apprehended in compliance with such requisition to be transported and delivered over to the said Provincial Council, to be dealt with as the nature of the case shall require. That each letter of requisition as aforesaid shall specify distinctly the cause for which the warrant of the Royroyan and Superintendantis required, and the sum in which the person, who is the object of it, is indebted; and that a copy of the said letter shall be delivered to the the party by the officer who shall serve the warrant upon him for his information.

6th.—That no officer of the Khalsa shall be liable to an action or punishment for the execution of a regular summons on warrant of the Royroyan or Superintendant of the Khalsa Records, nor the Royroyan or Superintendant be made accountable for them, but that if the farmer or other person who shall have been apprehended in virtue of the warrant of the Royroyan and Superintendant of the Khalsa Records, and sent to the Provincial Council which required his presence shall deem himself aggrieved thereby, he shall have his action against the members of the Provincial Council, who shall be liable to such penalties as the Chief Justice and Judges of the Supreme Court shall think proper to inflict, if it shall appear that they have acted without sufficient grounds to warrant such a proceeding; and that they have been guilty of wilful oppression.

7th.—That no officer of the Provincial Councils, or of any of the other Courts of the Dewanny, shall be liable to an action or punishment for any

legal acts committed by him in the execution of a written order or warrant of the Provincial Councils or Courts given him in the usual form, but that if any person against whom any such order or warrant shall have been issued, shall deem himself injured thereby, he shall have an action against the person or persons by whom the said order or warrant was signed who shall be liable to such pains or penalties as the Chief Justice and Judges of the Supreme Court shall think proper to inflict, if it shall appear to have been a wanton or wilful act of oppression.

8th.—That it shall be lawful for the Chief Justice and Judges of the Supreme Court of Judicature to refer to the Provincial Councils, or to any other of the inferior Dewanny Courts, such causes as shall at any time be brought before them, which may be more easily or speedily decided in the said Courts, or which from the nature of the causes requiring numerous witnesses or exhibits, or from the distance of the places where the parties may reside, cannot without great loss or vexation to the parties be tried in Calcutta; and to order the said Courts to hear and decide the same in the usual forms, which order the said Courts shall be obliged to obey. And that it thall be further lawful for the Chief Justice and the Judges of the Supreme Court of Judicature to issue their orders to the Provincial Councils, or to the other inferior Dewanny Courts, to stop their proceedings in any cause, which shall be pending before the said Courts, that the same may be tried in the Supreme Court, which orders the said Courts shall be obliged to obey.

9th.—That the following Courts shall be established for the administration of criminal justice :—

(*1st*) The Nizamut Sudder Adaulut.

(*2nd*) The Courts of Foujdarry Adaulut.

That these Courts be constituted precisely on the mode and form established by the plan formed by the late President and Council in August 1772 and intitled "A plan for the administration of justice," but that it shall be lawful for the Governor-General and Council and the Chief Justice and Judges, or the majority of both, to constitute such other subsidiary rules and forms as they shall judge necessary for the controul, government and process of the said Courts, subject to the same controul in England as the rules and orders formed by the Governor-General and Council with the allowance of the Judges as directed by the Act of Parliament.

10th.—That the Daroga of the Nizamut Adaulut under the title of Naib Nazim be informed to confirm, mitigate, or change the punishments decreed in the Fellwahs or sentences of the Nizamut, and to issue warrants under his hand and the seal of the Nazim or under any other official form which may be after appointed for the execution of the sentences of the Nizamut Adaulut, or of such other punishments as he shall decree in their stead, provided that such warrants shall have been first submitted to the inspection of the Governor-General and Chief Justice and obtained their sanction to be carried into execution.

The latitude here proposed to be allowed to the Naib Nazim of changing the punishments ordained by the strict letter of the law has always been exercised by the Nazim, and is founded on a principle of the Mahometan Law which appears to be diametrically opposite to that of the Criminal Laws of England. These are highly penal and require mitigation from the Supreme Magistrate. The letter of the Mahometan Law inflicting punishment is mild to an excess; but the law itself injoins the Magistrate to increase the punishment in cases of enormity, for the sake of example.

11th.—That the Amlas or Judges of the Foujdarry Adauluts shall not be made liable to any action or punishment on any complaint of imprisonment or punishment inflicted by them in the regular discharge of their functions ; but shall be accountable for their conduct only to the Nizamut Adaulut, which shall pass sentences thereon, subjected to the correction of the Naib Nazim with the

ultimate sanction of the Governor-General and Chief Justice as in the preceding Article.

12th.—That no officer of the Foujdarry Adaulut shall be liable to any action or punishment for the execution of any regular warrant or summons of the Court under which he serves, but that the Daroga or Members of the Court who issued the warrant or summons shall be answerable for the legality of the same before the Nizamut Adaulut.

13th.—That the President and Members of the Board of Trade and the Chiefs of the Provincial Councils shall be Justices of the Peace.

14th.—That for the more easy and effectual maintenance of the peace in the City of Calcutta, and for the relief of the Governor-General and Members of the Supreme Court, who cannot bestow that portion of their time which is necessary to so important an object, the city be formed into a certain number of divisions, each of which shall be superintended by an officer called a Kutwall, who shall be chosen by the Governor-General and Council and the Judges from amongst the people of that sect or nation which constitutes the majority of the inhabitants of the division, and shall preside over the peace of that division with power to imprison during no longer a space of time than twenty-four hours or to inflict corporal punishment not exceeding twenty lashes with a rattan on such vagabonds or offenders against the public peace as shall be apprehended within his division; and that an officer shall be appointed under the title of Superintendant of the Police, who shall receive daily reports from the Kutwalls, with such prisoners as they may have in charge, whom he shall either punish immediately by stripes given with a rattan not exceeding fifty in number or bind them over to the next quarter Session or Sessions of Oyer and Terminer; and that for this purpose he be invested with the powers of a Justice of the Peace. The subsidiary regulations which may be necessary to make this office more complete may be formed upon those which were published by the late President and Council, the 26th November 1772, and which require only the sanction of the Council and the Supreme Court for their legal confirmation.

15th.—That the plan for the administration of justice which was formed and published by the late President and Council in August 1772 be confirmed, except such parts of it as it is proposed either to amend or cancel by these regulations.

The following additional regulations have been recommended by the Chief Justice :—

16th.—That an able Advocate shall be appointed for the management of all lawsuits in which the Company shall be a party or indirectly engaged.

17th.—That as many offences may be committed which either partiality or other motives may prevent the superior servants of the Company from prosecuting with effect, and others which may be hid from their knowledge, an Advocate on the part of the Crown be appointed, who shall receive petitions, and being satisfied on a summary enquiry of the truth and enormity of the grievances complained of therein, shall be authorized to prosecute the offenders to conviction.

18th.—That there be a power in the Supreme Court to condemn criminals, who in England, would be sentenced to be transported to His Majesty's American Colonies, to work on the highway, or on the public works, for such time as according to the degree of the crime the Court shall, in their discretion, think proper; and also to give the like discretion to the Court to condemn for a limited time to the like punishment all capital convicts to whom His Majesty may hereafter be pleased to extend his mercy, unless he shall signify his gracious pleasure to the contrary.

WAREN HASTINGS.

RICHARD BARWELL.

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General Clavering delivers in two Minutes (Nos. 1 and 2), dated 20th January, signd by himself, Colonel Monson and Mr. Francis with three papers annexed to No. 2.

General Clavering thinks it necessary to observe that in the account of extra resources and disbursements annexed to Minute No. 2 there is an error taken notice of at the foot of the account, to the disadvantage of the argument maintained in that Minute, and that it is intended to send home a rectified account by the next ship.

Minute from General Clavering, Colonel Monson, and Mr. Francis.

The Governor-General's addresses to the Court of Directors by the *Salisbury* are still as voluminous as ever, though he professes to make no reply to the greatest part of the observations contained in our Minutes of the 15th September. The facts collected in those Minutes appear to us to convey a high impeachment of his government, which still, as he asserts, stands unimpeached. It is not for us to judge whether they do or do not deserve a reply. The Governor-General cannot be more desirous than we are to quit the field of controversy as the brevity of our remarks on his last performances we hope will shew.

We shall leave the appointment of Mahomed Reza Cawn to be justified by the reasons already assigned for it, observing only that his office gives him no share in the management of the collections, and that the Company, by forbidding him to be restored to any *improper* degree of power, evidently means that he should be restored to *some* degree of power.

In reviving the office of Naib Suba, we have their avowed policy and express orders to support it; and we challenge Mr. Hastings to point out another man in the Provinces so well qualified in every respect to fill it as Mahomed Reza Cawn. We fear the truth is, there are no men of credit and consequence left among the natives—a fatal and necessary effect of the general reduction of the country.

The Governor advances a charge against us for not drawing a *veil over* the mistake in the General letter of the 3rd of March last, about the office actually held by Raja Goordass. We believe it will appear that he himself has not been so tender of the credit or submissive to the opinion of his superiors, in instances of much greater moment, and where it was impossible for him to mistake their intentions. With respect to the error in question, he himself was the first who took notice of it. The Court of Directors, by referring to the Secret Consultations of the 16th of October, will see that the Governor introduced the subject by stating the mistake, and in consequence desires that *the opinion of the Board may be taken in what sense the orders of the Court of Directors shall be received, both with respect to Raja Goordass and Mahomed Reza Cawn.* If, as he now asserts, the meaning of these orders was *plain and evident,* it seems unnecessary to have desired our opinion upon the sense of them; if, on the other hand, it was our duty to have adopted the spirit of the Company's commands where the letter differed from "the facts on which thay were formed," we do not see how it is possible for any measures of ours to be at once *diametrically opposite, both in spirit and letter to those which had been injoined.* We leave it to the Governor-General to explain and amend his argument as long as he thinks proper.

The Court of Directors must judge whether the appointment of Muny Begum, Raja Goordass (whose character he then thought *placid, gentle, and without disguise*) and Raja Raj Bullub to their several offices, was or was not a disobedience of their orders, contained in the General letter of the 28th of August 1771, by which the Administration here were directed to recommend a single minister to transact the political affairs of the Sircar, or whether the division of that employment into three offices, the principal of which was to be executed by a woman, could possibly answer the intention of those orders.

The Governor-General thinks it unnecessary to say anything respecting the collections of Bessempore and Patcheat, *as Mr. Barwell has fully replied*

to our Minute on that subject, but he assures the Court of Directors that Cantoo, his Banyan, never was the farmer of either.

The object of our remarks on the account of nett receipts and balances of the farms of Bessempore and Patcheat in the years 1770 and 1771 compared with those of 1772 and 1773, when the same provinces were farmed by the Governor's Banyan, was to shew that the receipt of the two latter years fell short of that of the two preceding years in the sum of 2,19,806 Sicca rupees. This fact is proved by Mr. Crofte's statement annexed to our Minute; and is not disputed by Mr. Barwell. The conclusions naturally arising from it are not invalidated by a comparison of the medium revenue of the years 1779, 1780 and 1781 with that of the five preceding years.

The question is whether the receipts fell in the two first years of Cantoo's farm to the amount of 2,19,806 Sicca rupees below what was paid by the preceding farmers, who appear to have been dispossessed of their leases to make way for Cantoo.

Mr. Barwell now attributes the diminution to the declining state of the lands, and to their being too high rated. It rests with the Court of Directors to determine whether Mr. Barwell has a right to advance this plea in behalf of the new farmers who (as Mr. Barwell observes in his Minute of the 23rd July 1773) engaged for an increase of rent "in consequence of the length of their lease, and the size of their farms being more favorable for the improvement." At that time the pretensions of the new farmers to a remission appeared to him *equally evasive and frivolous*. At this time the balances are attributed to an over-valuation in the new settlement which he took so much pains to make.

Consultation, 21th November 1775.

That Cantoo was really the farmer of Patcheat and Bessempore during the two first years of the settlement appears incontrovertible. They are inserted in Mr. Croftes's account of the farms held by Cantoo entered on the Consultations of the 17th of March 1775, where they are particularly marked as having been relinquished by him at the end of the second year, and Mr. Barwell himself says that "at the time when Kisnanund Sircar gave in the durkaust, or proposal, he understood that Kisnanund was a servant of Cantoo; but when Cantoo was called upon he disavowed him, and Kisnanund producing no authority from Cantoo for the transaction, Cantoo was in consequence and very justly relieved from all responsibility." If he had never been bound, we know not how he could be released. Amidst the general confusion of names and interests with which almost every farm in this country is affectedly perplexed, it is often a difficult task to ascertain who the responsible person is. In this case the evidence that Cantoo was the real farmer, is partly direct from the title of Mr. Croftes's accounts, and partly presumptive from the delivery of the original proposals by a servant of Cantoo; and much more strongly (to us at least, who have a nearer view of things than can be presented to the Court of Directors) from the extraordinary severity, not to say injustice, of depriving the preceding renters of their farm several months before the expiration of their leases, when no pretence of want of punctuality in their payments was alleged against them; and from the extraordinary indulgence shewn to the subsequent farmer, in granting him remissions (for which Mr. Barwell in the year 1773 thought he had no claim) and in suffering him to relinquish a lease of five years, as soon as two of it were expired, that is, when it probably would no longer answer his purpose to keep it. The Governor asserts that it is remarkable that in all the troubles of Mr. Vansittart's Government there is not a single instance of a complaint produced against a Gomastah of the Company.

Disputing a fact of this kind is no otherwise of moment than to shew that the Governor is not always correct in his assertions. The following is an extract of a letter from the Collector at Dacca to the late President, Mr. Vansittart.

Vide Mr. Vansittart's Narrative, Volume 2nd, page 116.

"The Gomastahs of Luckipore and Dacca Factories oblige the merchants, &c., to take tobacco, cotton, iron, and sundry other things at price exceeding that of the bazaar, and then extort the money from them by force, besides which they take diet money for the peons and make them pay a fine for breaking

their agreement. By these proceedings the Aurungs and other places are ruined. The Gomastahs of Luckipore Factory have taken the talooks from the talookdars, talooks from the izadârs by force, for their own use, and will not pay the rent."

We do not doubt that many other instances of the same nature might be produced, if it were worth while to look for them.

The Governor roundly insists on the futility of attempting to maintain a Country Government. He asserts that "all the arts of policy cannot conceal the power by which these provinces are ruled, nor can all the arts of sophistry avail to transfer the responsibility of them to the Nabob," yet this was the original and is to this hour the invariable policy of the Company; nor do we believe that they have had recourse to any arts of sophistry to support it.

The relation in which Mr. Hastings stands to the Company does not oblige him to disavow his political principles in submission to any authority whatever, but neither has he a right to oppose them in practice to those of the Court of Directors. An old servant of the Company might at least have treated their deliberate and invariable opinion with greater respect. With regard to us, if our ideas on this subject had not entirely concurred with theirs, and if we had not been convinced that, in their circumstances, it was the only rational system they could pursue, we should still have thought it our duty (though not bound to the Company by those ties and obligations which Mr. Hastings has so often acknowledged) to have adopted their doctrines, and supported their interests, on that ground, which they themselves thought most firm and defensible.

If the Nabob be a *mere pageant*, if his authority be *a shadow*, we think it is not the office of the confidential servant of the Company to betray to the world even the weakness of a system, the support of which the Company thought essential to their interests. If we do not mistake the terms in which he expresses his contempt of the Company's policy, they are nearly the same which those formerly made use of by Mr Bolts, and lately by the Supreme Court of Judicature. There have been times when Mr. Hastings himself professed a different way of thinking.

Vide Mr Vansittart's Narrative, Volume 2, page 356

In March 1763 his opinion in support of the Country Government stood alone against that of the whole Council. He was then the only Member of the Board who affirmed "that the English Gomastahs should be subject to the controul of the officers of Government." This language then was "in whose hands can power be so properly lodged as in those of the Government, to whom it belongs, to take from them that right, (a right which we should never suffer to be contested within our own districts) will be to introduce oppression, rapine and anarchy into the country, which we are engaged to protect;" and let it be observed that he professed this doctrine at a time *when the power which we had acquired in these Provinces had reduced them to a condition as nearly resembling a conquest as it was for our interest to wish it.* If since that period the authority of the Soubadar has in fact been considerably diminished, some endeavor to restore it would, as we conceive, have been more consistent with his first policy than an avowed determination to reduce it to nothing.

The wisdom or necessity of so entire a change of system should be clear and unquestionable, especially when it was prepared and introduced by an explicit declaration, *that the affairs of the Company stand on a footing not to be maintained on the rigid principles of private justice.*

Vide Mr Hasting's letter to the Secret Committee, 1st September 1772.

He is pleased to *pronounce with confidence* that by the constitution of Bengal "the zemindars neither presided in the Criminal Court of his district, nor pronounced, nor executed sentence on all offences less than capital, nor any offences *whatever* except the non-payment of the rents." Notwithstanding this peremptory assertion, we still think the opinion he now contradicts was well founded—at least we have such authority to produce in support of it—

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as we believe it will embarass him not a little to dispute. The Committee of Secrecy, in their further report to the House of Commons in the year 1773, inform the House that "the Criminal Court in every district was generally known by the name of the Fouzdary; that the zemindar or Raja of the district was the Judge in this Court; that his jurisdiction extended to all criminal cases; but that, in such as were of a capital nature, the sentence was not to be executed until a report of the case was made to the Government at Moorshedabad and their orders received upon it."

It might possibly be supposed that the materials on which the Committee formed this part of their report were defective if we did not find their representation confirmed by that of Mr. Hastings himself. We beg leave to refer the Court of Directors to his Minute entered on the Consultation of the 22nd of April last, containing a proposal for a new settlement. In the 15th Article of that Minute he and Mr. Barwell assert that the Fouzdary jurisdiction according to the constitution of the Empire is inherent in the Zemindar.

We leave it to Mr. Hastings to reconcile if he can his present assertion with the report of the Committee and his own former declarations.

We apprehend he will find the same difficulty in this attempt, which he has already met with in an instance of greater importance. It seems he is glad of an occasion to declare "that all the measures of the late Administration (in respect to the distribution of justice) were no more than the forms of Government which belong to the ancient constitution of Bengal revived with such modifications and such only as were absolutely necessary to accommodate it to the genius and principles of our own."

We are not satisfied of the wisdom or expediency of such a design, supposing it possible to carry it into execution. When Mr. Hastings, however, shall have succeeded in accommodating the forms of a simple despotic Government to the genius and principles of a most refined and perfect system of civil liberty, or in blending the jurisprudence of the ignorant, unimproved native of Bengal with that of, perhaps, the most enlightened and polished nation upon earth, we shall not despair of seeing all his works since he had a share in this Government, collected into one consistent mass, and a perfect harmony resulting from a multitude of discordant assertions and opinions which the occasional service of the moment has obliged him to deliver. In their present state of hostility it appears to us that there is no representation of facts, nor political opinions, with respect to the government of this country, which his successors in office may not assume and support by his authority.

The Governor expresses his gratitude to the Court of Directors for their complete approbation of his services contained in their letter by the *Godfrey* in terms which they themselves will probably think too sanguine to be sincere. If it should appear in fact that their approbation of his measures is *not* so complete as he endeavours to represent it, it will not be difficult to penetrate into the true motives of this affected gratitute, nor to account for the good policy of obliging the Court of Directors to make common cause with him in defence of those measures which he would persuade them to understand they have now by their sanction and confirmation stamped for their own. His superiors perhaps will not be so eager to undertake the responsibility as he to transfer it to them.

1st.—The suspension of the King's tribute is approved of, but it is only on motives of expediency founded on his removal to Delhi, and the danger of its becoming in effect a supply to the Mahrattas. This right is not disputed, nor is there a word in their letter to authorize our withholding the tribute in future, if His Majesty should think proper to return within the limits of the provinces.

The late Administration have ordered the credit given him in the Company's books to be discontinued from the 7th of October 1773, but on their own principles it should have ceased on the day when he quitted Illahabad; consequently they have given him credit for one year's tribute too much. They have also paid Tuncas or assignments to the amount of eight lacks Sicca rupees since his departure, on this

R9,28,000.

very tribute, which they say he forfeited by the change of his residence; the real disposition of this sum, in our opinion, deserves a strict investigation.

2nd.—The sale of Korah and Illahabad to the Vizier is also approved of. The Court of Directors think their servants acted with great propriety in committing them again to his management. The facts are that these Provinces were intrusted to our care, as a *deposit* by the King's late Minister, Munero Dowla, and accepted by the late Administration on that footing. They belong to the King by titles, which though often violated in fact, no prince or civilized State professes to hold in contempt. As soon as Mr. Hastings got possession of this deposit, he sold it to Shujah Dowlah. If the Court of Directors, with this view of the transaction before them, think fit to sanctify it by their approbation, it is not for us to dispute their authority, though we are not bound to regulate our private judgment by it.

3rd.—The alteration made by the second Article of the Treaty of Benares in the amount of the subsidy to be thenceforward paid by Shujah Dowla, whenver he should demand the assistance of our troops, is also much approved of.

We believe that the Court of Directors did not observe that the increase in the subsidy was purchased by a diminution of ten lacks in the sum which he originally promised to pay for our assistance in extirpating the Rohillas, and Mr. Hastings's own words are—"I easily yielded my assent to the Rohillah plan, on the stipulation of 10 lacks for its accomplishment, ten lacks being deducted from his first offer on account of the difference, which had taken place in the subsidy."

Vide his address to the Court of Directors, the 3rd of December 1774.

4th.—The Court of Directors even in their letter of the 3rd of March have have strongly condemned the whole measure of the Rohillah war; they say that "notwithstanding the pecuniary advantages which the Company have gained by the event they are exceedingly concerned to find that their arms have been employed in the conquest of the Rohillas, that they fear that in a political view the late engagements with Shujah Dowla are not altogether unexceptionable, and they absolutely prohibit this Government from employing their troops on such expeditions on any pretence whatsoever."

These terms, however, are moderate in comparison with the condemnation passed on the Rohillah war in the letter of the 7th of March. In that letter they speak of it as of a measure "*repugnant to every idea of sound policy.* They order their troops to be *forthwith recalled, and positively direct that we never more consent to employ them beyond the limits of our own provinces, or those of our ally which we are obliged by treaty to defend against actual invasions.*" This is a language which no sophistry can interpret into an approbation of the measure, still, however, Mr. Hastings labors hard to shift the question; and to impute their censure to a false supposition that the brigade had crossed the Ganges. When the fact, as the Court of Directors very justly state it, is that "a considerable part of their army is sent at such a distance from their territories, and so employed as to render it difficult for them to repair within the provinces in time to prevent the ravages of a an enemy, in case the tranquillity of Bengal should be suddenly interrupted,"—we believe they will think it very immaterial, with respect to this object, whether their army be in the mountains of Tartary or on the western side of the Ganges. Their apprehensions, however, that the brigade might have crossed the river, are not so ill-founded as Mr. Hastings attempts to represent them, though, in fact, the march of the troops was directed another way, and to a much greater distance from these provinces. From the whole tenor of his apology it might naturally be concluded that such a measure had been utterly repugnant to the views and principles of the Select Committee here. He says they had given the Court of Directors *the most solemn assurances* that the brigade should remain on this side of the river, *whatever powerful motives might occur to encourage a deviation from this resolution, and that to these assurances they had most scrupulously adhered.* After such a declaration, if we had not the recorded consultations to support us, we should not expect to be believed, when we assert that on the 17th of

September 1774, he and his Select Committee resolved to order the brigade to cross the Ganges, and that, when they laid this resolution before the Council, the operation of the brigade was limited *by the Council* to a march of one day on the other side of the river.

5th.—We presume the institution of the Bank is not one of those measures which the Court of Directors have *sanctified and made their own.* They stated their objections to it at large as they arose upon the face of the plan, and declared that, unless it could be freed from those objections, *it would not receive their approbation.*

Our observations upon it are now before them, with such accumulated evidence of the weakness and pernicious consequences of the institution, as we believe can no way be reconciled to their opinion of his knowledge and abilities but by conclusions still less to his advantage.

6th.—The mode in which the late Government thought fit to employ Colonel Macleane so evidently inconsistent with the purpose of his appointment, has also been condemned in the severest terms by the Court of Directors, yet this is one of Mr. Hastings's measures, and if we may believe his present declaration is *sanctified by their approbation and stamped for their own.* If a language, so opposite to the evidence of facts, can be attended with any immediate or future advantage to Mr. Hastings, we are content to leave him in possession of it. A very short passage in one of our late Minutes has seduced Mr. Hastings into a speculation of many pages upon the probable measures and consequences which would have taken place, had we held the Administration in the period, which preceded the present Government. Our answer to it shall be short, and in point. In the face of every conceivable opposition, we have detected enormous abuses, and endeavor'd to put a stop to them. Amidst the ruins that surround us the first labor is to clear the ground. In our last Minutes, however, by the *Salisbury*, we have endeavored to shew that our efforts to serve the Company have been attended with more than negative advantages; new and general arrangements are not to be attempted, especially in the management of the revenue, without the hearty concurrence of the executive Member of the Council. The Governor's situation, his knowledge of the language and connections with the natives, furnish him with means of thwarting and defeating the effect of any resolution whatsoever of a mere majority, unless it be a single act unattended with any detail of operations.

With respect to his success in the improvement of the revenue, we presume the Court of Directors, after having seen the plan formed by the Committee of Circuit, so long and so highly magnified by Mr. Hastings, will not expect to be told as they now are " that, to form a just idea of their present revenues, the actual collections should not be compared with that settlement, but with the actual collections of former years."

If these are to be the rules by which the Company are to judge of their revenues, we know not for what purpose a new settlement should be made. It can only serve to mislead their judgment, or disappoint their expectations, and probably to engage both them and their servants in expences proportioned to their estimated income, but not to be supported by their actual receipts.

Though better informed than Mr. Hastings with respect to our own principles of action, we do not find it so easy a task as he does, to determine for us precisely what we should or should not have done, in his former situation, or in any other supposed political conjuncture. Measures of Government are too often decided, like those of individuals, by instant impressions of danger or immediate prospect of advantage, and no man can positively say how far his own passions or judgment might have been influenced by such motives, if he had been called upon to act in any given circumstances. With this reserve we are ready to declare how far we believe Mr. Hastings may be right or mistaken in his conjecture.

(1) During the King's expedition to Delhy, or while he might be under subjection to the Mahrattas, we should probably have thought it prudent to suspend the remittance of his tribute, but we should have reserved the amount, as it became due, as a separate fund in the treasury, to answer his just claims,

whenever he should return, or to be otherwise disposed of as the Court of Directors should think fit.

(2) It is true we hold the faith of treaties, *sacred*, and feel a just, not a *generous* concern for the Company's honor, in which the honor of the British name in India is included. The Company themselves tell us that it "is their determined resolution to adhere to and keep inviolable the faith of treaties." Principles such as these are, we trust, far above the reach of sneer and ridicule. Many reasons would have concurred to prevent our selling Korah and Illahabad to the Vizier. The first is that the measure itself seems to involve the Company in a triple breach of justice. We violate a solemn treaty; we sell the property of another; and we alienate a deposit committed to our good faith.

Vide instructions to the Commissioners, 15th Septtmber 1769.

The second is, that this transfer of the King's demesne was directly contrary to the orders of the Company contained in their instructions to their Commissioners, dated the 15th of September 1769, which, considering the extraordinary occasion on which they were given, we should have looked upon as the basis of every future arrangement in the government of Bengal. The following are their own words:—"The two Provinces of Korah and Illahabad must be preserved to the King as they are guaranteed by the Company unless an equivalent can be obtained in lieu thereof, by way of revenue or otherwise to the King's satisfaction.

The King's change of residence did not warrant so gross a departure from the first spirit of this instruction as the alienation of his property for ever without his consent, or in any shape consulting his satisfaction. The revenues of the countries intrusted to our care might have been reserved for their defence, instead of that, they have been sold in perpetuity for less than two years' purchase.

(3) We should assuredly not have conspired with Shuja Dowla to extirpate an inoffensive people with whom we were but the year before in alliance. We consider the money stipulated for this service as the price of blood. The Court of Directors themselves say that they are exceedingly *concerned* to find that their arms have been employed in such a cause *notwithstanding the pecuniary advantages which the Company have gained by the event.* Those advantages were never realised by Mr. Hastings. We believe it will appear beyond a doubt that the recovery of the money was solely owing to the vigorous measures *we* took with Shujah Dowla. There was not a rupee of it paid till some time after our arrival, though the Company's immediate claim to the whole sum was completely established and ought to have been insisted on in April 1774.

When Mr. Hastings fixed the infamy of the measure upon the Company he should at least have taken care to secure the reward of it. Undoubtedly he had his reasons for never assuming a peremptory tone with Shujah Dowla.

Mr. Nathaniel Middleton's letter of the 13th June 1774 to Mr. Hastings, whose private agent he was, will throw a considerable light on this subject.

It appears by this letter that, when Colonel Champion was directed by the Board to demand from the Vizier an acknowledgment only for the forty lacks (which strictly ought to have been paid before the time), the Colonel acquainted him that "although such an acknowledgment was deemed necessary, the immediate payment of the stipulation was by no means insisted upon, and that, in addition to this explanation, the Governor's private agent endeavored to satisfy His Excellency, "that the demand was nothing more than a matter of form, common and even necessary in all public transactions, and that although the Board considered the claim of Government literally due, it was not the intention of Administration to prescribe to His Excellency the mode or even limits of payment."

(4) Before the Treaty of Benares that Prince was already bound to defray the expence of the Company's forces employed in the defence of his dominions. There is no injustice in fixing the subsidy of an army so employed, because here is nothing unjust or dishonorable in the service itself. It ought to be

equal to the real expence, and in this view we have raised the pay of the brigade in our own treaty with the present Nabob of Oude fifty thousand rupees a month higher than it was settled by the Treaty of Benares.

5. Mr. Hastings has no right to suppose that we should have disputed the Company's orders to reduce the young Nabob's stipend; besides that we profess implicit obedience to positive orders, we are well assured that the Nabob lost nothing by the reduction of his stipend. A system of policy formed on these principles must be of a plain and simple nature, refinements are unnatural to the policy of a great State, and generally spring from want of wisdom in the rulers, if not from something worse.

6. In the formation of a new settlement for the provinces, we should have taken a view of the miserable state of the country and endeavoured, as nearly as possible, to proportion our demand to the abilities of the people. We profess not to aim at immediate additional receipts, either by straining this territory to the dregs of its resources, or by plundering our neighbours, much less would we have attempted to deceive the Company by forming a settlement on paper, which we are sure could never be realised, at the very time when Mr. Hastings formed a settlement, which promised a higher revenue than ever had been received before. He himself describes the country as almost in the last stage of decay. In his letter of the 1st of September 1772, to the Secret Committee, he says that "the lands had suffered unheard-of depopulation by the famine, and more lately of 1769, that the collections violently kept up to their former standard, had added to the distress of the country, and threatened a general decay of the revenue, unless immediate remedies were applied to prevent it." The remedy applied to this distress was to put the lands up to auction, and let them for five years to the highest bidders, upon an increasing rent to be collected by any succeeding administration, when the projectors of the plan had retired with the reward of their labors to England.

7. The Treaty of Fyzabad will shew that "we have *not* disregaded every means of supplying the Company's treasury from external resources." The permanent advantages which it secures to the Company require no illustration. Conforming to the policy we profess, the spirit of this treaty is to acquire revenue without territory, that is, without any direct interference of the Company or influence of their servants in the internal government of the tributary dominion. If the same policy had been pursued in former times, we have no doubt that a considerable portion of the revenues of Bengal, on the footing of a fixed tribute, might have been enjoyed by the Company for a long period without distress to the country and without embarrassment to themselves either here or at home. We know of no principle so likely to defeat its own unreasonable purpose as that of grasping at the whole produce of the lands or in the language usually held here *raising the greatest possible revenue from the country.*

J. CLAVERING.

FORT WILLIAM,
The 20th January 1776.

GEORGE MONSON.

P. FRANCIS.

Government of India Central Printing Office.—No. 469 F. D.—21-2-89.—500.

Proceedings of the Secret Select Committee from 1st April to 6th May 1776.

Secret Dept., Monday. Fort William, the 15th April 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

Received the following letter from MR. FOWKE:—

To the HON'BLE WARREN HASTINGS, Governor-General, &c., Council of Fort William.

HON'BLE SIR AND SIRS,—I have the honor herewith to inclose bills for the amount of Calcutta Sicca R5,55,732-8, drawn as per accompanying account particulars, in favor of the Hon'ble the East India Company, on account of Raja Cheyt Sing, in part payment of his annual tribute.

The sum of R23,40,209 of 10 mashas, which is the amount of the annual tribute as settled by your Hon'ble Board, being reduced to rupees of the weight of 9 mashas 6 rutties and 5 choul, produces the sum of R23,81,134-12. This is the annual amount which the Raja is bound to pay in case it should at any time be your pleasure to receive his tribute at Benares. A premium of 2 per cent. being deducted from the sum of Calcutta Sicca R22,66,180, leaves the sum of R22,21,745-1-9, the nett amount to be annually remitted by the Raja to Calcutta so long as it shall be the pleasure of your Hon'ble Board to receive his tribute at the Presidency. The following is an equal division of the above sums into monthly kists, commencing from the 4th of July, or 5th of Jemmady-ul-Awul. I have here and shall in all my future accounts distinguish the new rupees of the weight of 9 m. 6 r. 5 ch. and fineness of 18 choul by the name of standard Gowershahy rupees:—

1	Monthly kist due	4th August	1775,	Calcutta Sicca	R1,85,145-6-16-1	or Standard Gowershahy.	R1,98,427-14-6-3
2	do.	4th September	1775	do.	1,85,115-6-16-1	do.	1,98,427-14-6-3
3	do.	4th October	1775	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
4	do.	4th November	1775	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
5	do.	4th December	1775	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
6	do.	4th January	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
7	do.	4th February	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
8	do.	4th March	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
9	do.	4th April	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
10	do.	4th May	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
11	do.	4th June	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
12	do.	4th July	1776	do.	1,85,145-6-16-1	do.	1,98,427-14-6-3
					22,21,745-1-15-0		23,81,131-12-0-0

BENARES,
The 30th March 1776.

The Secretary having prepared the Sunnud,[1] Potta[2] and Cabboolyet[3] for Raja Cheyt Sing's zemindary, now begs leave to lay them before the Board, with copy of an obligation to be executed by him for the remittance of his tribute.

The Board having signed the former—

Ordered that they be transmitted to him and translations of all of them entered in this place.

Translation of the Sunnud granted to RAJA CHEYT SING, for the Zemindary of Gazypore, Benares, &c.

Be it known to the Mutseddies[4] in office present and to come, Cannoongoes,[5] Mukudums,[6] Ryotts, cultivators, to all the inhabitants and people resident and belonging to Sircar Benares, Gazypore and Chunara, in the Soubah of Illahabad that, whereas by virtue of a treaty with the Nabob Asoph-ul-Dowla concluded on the 20th of Rubby-ul-Awul 1189 Hejeree, or 21st May 1775, the Government and Sovereignty of the Sircars above mentioned has been ceded to the Hon'ble East India Company, from the 4th of Jemmady-ul-Awul 1189 Hejeree, or 4th July 1775, the said East India Company, therefore, in virtue of the rights thereby obtained, do confirm unto Raja Cheyt Sing the Zemindary, Ameeny[7] and Fouzedary[8] of the said Sircars, agreeably to the Zemmun,[9] together with the Cuttwallies of Juanpore and Benares, and the Mint of Benares, from the said date: Whatever gold and silver shall be coined in the mint, the said Raja shall coin conformably to his muchulka.[10] He is not to be in the smallest particular remiss in the observation and execution of the several duties incumbent on him; he is to behave with moderation and kindness to the ryotts and people to promote the cultivation, and increase of inhabitants and produce of the lands; expelling thieves, nightly assaulters and robbers, and so effectually punishing the disturbers of the peace that no trace of them may be seen; and he is to pay a tribute of R23,40,249 Benares Muchlidar rupees, or 22,66,180 Calcutta Siccas annually to the Company's Treasury, should he receive orders to pay the above revenue at Benares. He shall in that case pay the sum of 23,40,249

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[1] Sanad, Sunnud, incorrectly, or vernacularly, Sunnud. "A grant, a diploma, a charter, a patent. A document conveying to an individual emoluments, titles, privileges, offices, or the Government rights to revenue from land, &c., under the seal of the ruling authority."—*Wilson's Glossary of Indian Terms.*

[2] Patta, Putta, corruptly Pottah. "A deed of lease, a document given by the Collector to the zemindar, or by some other receiver of revenue, to the cultivator or under-tenant specifying the condition on which the lands are held and the value or proportion of the produce to be paid to the authority or person from whom the lands are held."—*Wilson's Glossary of Indian Terms.*

[3] Kabuliyat, corruptly Cabuleat, Kabuleat, Cubalot. "A written agreement, especially one signifying assent, as the counterpart of a revenue lease, or the document in which a payer of revenue, whether to the Government, the zemindar, or the farmer, expresses his consent to pay the amount assessed upon his land"—*Wilson's Glossary of Indian Terms.*

[4] Mutasadde, corruptly Mootsuddy, Mutseddy, Mutta-seddee. "A writer, a clerk."—*Wilson's Glossary of Indian Terms.*

[5] Canongo, Pers. Kanūn-go, *i. e.*, law-utterer. "In Upper India, and formerly in Bengal, the Registrar of a *tahsil* or other revenue sub-division who receives the reports of the Patwaris or village Registrars." Yule's *Hobson-Jobson.*

[6] *Mukudums*, corruptly Mokuddum, Mocuddim. "A chief, a leader, one who goes before. In India applied especially to the headman of a village or of a caste or corporation * * * In Hindostan the *Mukaddam* has, in some places, become solely responsible for the public revenue, having been suffered to assume the character of a petty proprietor, and being designated as *Malik-Mukaddam* under the former system. The title was not unfrequently given to the village zemindars. In some places the term is applied to the hereditary occupant of an estate in a village immoveable as long as paying a fixed rate to the zemindar or Raja."—*Wilson's Glossary of Indian Terms.*

[7] Amin, Umeen, corruptly, Aumin, Aumeen, H., but occurring, slightly modified sometimes, in most of the dialects (A امین from امن to trust, Hindi [illegible]). A confidential agent, a trustee, a Commissioner applied in Upper India especially to a native officer of Government employed either in the Revenue Department to take charge of an estate and collect the revenues on account of Government or to investigate and report their amount; or in the Judicial Department, as a judge and arbitrator in civil causes. In the Presidency of Bengal, in particular, two classes of native judicial functionaries are now so named, or the Sadar Amin, empowered to try causes to the extent of 1,000 rupees, and the Sadar Amin Âali or principal Sadar Amin, to whom lies an appeal from the decisions of the Amin and who decides suits to an unlimited amount.—Bengal Regulation IV, XLV, 1793; VII, 1822; XXIII, 1814, IV, 1827; V, 1831; Act IX, 1844.

[8] *Faujdari*, H., subst., the office of a Magistrate or head of police, or Criminal Judge. Adj. relating to the office of Fauzdar, criminal, as opposed to civil, levied as a tax for the support of the police, &c.

[9] Zimn, corruptly Zimin, Zimmum, Zymu, H. The endorsement of a grant giving an abstract of its contents, an abstract statement or account, a cover, an envelope, a clause in a legal regulation; also suretyship, obligation. *See* Zaman.

[10] Muchalka or Muchalká, Moochulka. "A written obligation or agreement, a bond, a deed. It is commonly applied to a counterpart covenant on the part of the proprietors or cultivators of land, agreeing to the rates of assessment imposed by the Government, also to an engagement under a penalty to observe the conditions of any deed or grant, or to one exacted from thieves or suspected persons engaging to desist or refrain from any illegal acts, or to one from superior police and other officers engaging to be responsible for the conduct of the subordinates appointed by themselves, or to any penal recognisance which may be required by a Magistrate."—*Wilson's Glossary of Indian Terms.*

Benares Muchlidar rupees, each rupee to weigh 10 masha, and to contain 2 ruttee and 2 chowl of alloy and no more; should the weight be less, or the alloy more, he shall make up the deficiency. Whenever the money shall not be wanted at Benares he is to remit the annual amount of 23,66,180 of Sicca rupees punctually, agreeably to his kists[11] and *muchulka* * by monthly payments at Calcutta; in consideration of which he shall be allowed a deduction of 2 per cent., amounting in all to Sicca R41,434-14-5, account of hindoowunny, or exchange, which being deducted, the nett amount is 22,21,745-1-7 Sicca rupees of Calcutta, which he is to pay at that place. After the settlement of accounts at the end of the year, he shall in the customary manner receive credit for his payments and he is by no means to collect the prohibited abwaul[12] of the Durgah of His Majesty. This Sunnud being granted is to remain in force, and all former Sunnuds to become null and void. You the Mutseddies and persons above mentioned are to regard the said Raja as truly and lawfully possessed of the Zemindary, Ameeny, and Fouzedary of the above Sircars, and to acknowledge his authority in the several acts appertaining thereunto; know that we have here issued the most strict and positive commands, and obey them accordingly.

* This word afterwards ordered to be omitted.

Written on the 25th of Suffer 17th Sun or 15th April 1776.

(Signed by the Governor-General and Council.)

THE ZIMMUN.

The office of the Zemindary of Sircar, Benares, Gazypore, Chundara, the Cutwauly, the duties and the Mint in the Soubah of Illahabad have been conferred upon the great Chief Raja Cheyt Sing Behadre, also the Ameeny and Fouzedary.

MAHALS 19, *viz.*—

Sarcar Benares.

Chundara.

Sircar Gazypore.

Mahals of Jaunpore, comprehending maul and duties.

Havily Mohomed Abad, Benares.

The Caus Daums, or for supplying clothing to the King.

Purgunna Bhaduwy.

The Talook of Sacramow in Chundar.

Suktusgur.

Bidgeypore.

Sekunderpore.

Khireed Shadyabad.

Tuppa Serringa.

The Cutwauly and duties of Benares free.

Do. do. of Juanpore do.

The Mahal of the Mint of Benares do.

The Benares Mukeemi or brokerage.

The Sungwuzzenne, or stone-weighing of Benares and the other mahals.

The Yautesauby or office of Muttassub of Benares.

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[11] Kist. "Instalment, portion, the amount paid as an instalment, the period fixed for its payment, as a revenue term is doubtless the portion of the annual assessment to be paid as specified periods in the course of the year, such periodical payment is called a kist."—*Wilson's Glossary of Indian Terms.*

[12] Abwaub, Abwab. "Heads or subjects of taxation, or the taxes which were imposed under the Mahomedan Government in addition to the regular assessment on the land."—*Wilson's Glossary of Indian Terms.*

Potta granted to CHEYT SING.

This Potta containing the underwritten stipulations is granted unto Raja Cheyt Sing Bahadur.

Sircar Benares, Gazypore, Chunar, and the Mahals of Sircar of Juanpore, comprehending the maul and duties, Havily Mahomed Abad, Benares, the Caus daums in Purgunna Bhaduwy, Talook of Sunkeramow in Purgunna Chunar, Suktesgur, Bidgeypore, Sircar Gazypore, Purgunna Sokunderpore, Khireed Shadyabad, Putna, Serringa, including the Cutwally duties of Juanpore and Benares, the Mint of Benaras, the Mokumee Yahtisaub and stone weighing, both maul and duties and the Dewannee dustoor excepting the Nancar of half the Jaghwar of Bhaduwy, the exempted Jagheers and Ayma[13] which have been inserted for a length of time in the accounts as deductions, all the articles of the Taheed are settled upon you, from the 4th of Jemmady-ul-Awul 1189 Hejeree, or the 4th of July 1775 English, at a stipulation per annum of 23,40,249 Mahid Benares rupees, not short of the weight of ten masha each, and not containing a greater portion of alloy than 2 ruttys and 2 beringe agreeably to your Muchulky and Caboolyet. This sum you will therefore pay, but should it not suit the convenience of the Company to receive it at Benares, you are to pay it in Calcutta in Sicca rupees of Calcutta, amounting in which specie to 22,66,180 Sicca rupees, the amount of the hindooaun, or exchange allowed you at the rate of 2 per cent. is R44,434-14-5, which being deducted the nett sum will be 22,21,745-1-15 Sicca rupees of Calcutta; this you are to pay, without the least deduction or depreciation whatever, in the course of each year by monthly payments agreeable to your separate kistbundee; this you are to pay without any allowance for Seebundee. You will remit the money to Calcutta without fail, conformably to the said kistbundee. Particulars of the tribute, *viz.*:—

	R	R
Former Caboolyet	...	20,86,607
Deduct—		
Nancar	9,800	
Exempted lands	8,000	
Maaffy fourth part and Siry Sicca	2,358	
Half jagheer of Bhaduwy	67,500	
Altamgaw of Mussummaut Moorad Bannoo	500	
		88,158
		19,98,149
Add—		
Nuzzerana	90,000	
Tuppa	34,207-12	
Mukeeme, &c.	1,800	
		1,26,007-12
Increase—		
Total	2,50,000	
Deduct	34,207-12	
		2,15,792-4
Benares Rupees .	...	23,40,249
Batta to reduce them into Siccas	...	74,069
Remains	Sicca rupees	22,66,180
Deduct Hindooarim	...	44,434-14-5
Remains nett amount in Siccas	...	22,21,745-1-15

Written on the 26th of Suffer 17th year, or 15th April 1776.

[13] Aima, less correctly Ayma, H. "Land granted by the Mogul Government either rent-free or subject to a small quit-rent to learned or religious persons of the Mahomedan faith, or for religious and charitable uses in relation to Mahomedanism. Such tenures were recognized by the British Government as hereditary and transferable."—Bengal Regulations before 1793, page 24; Reg. VIII, 1793, &c.

Cuboolyet or Agreement executed by Raja Cheyt Sing for the Zemindary of Benares, &c.

Whereas a treaty has been concluded between the English East India Company and the Nabob Asoph-ul-Doula, Chia Cawn Bahadur, Huzzubber Jung, Nazim of the Souba of Allahabad, under date the 20th of Rubbee-ul-Awul 1189 Hejeree or the 21st of May 1775, Christian, whereby the sovereignty of the Sircars Benares, Gazypore, Chunara, &c., hath been ceded to the English East India Company from the 4th of Jamady-ul-Awul 1189 Hejeree, or the 4th July 1775, Christian, and the Company having granted the Zemindary, the Ameeny and the Fouzedary of the aforesaid Sircars, together with the Cutwallys of Benares and Juanpore, &c., and the Mint of Benares unto me from the above date; I do hereby voluntarily consent and agree, under my hand, that whatever coins shall be struck in the said Mint shall be conformable to a separate obligation which I have executed under date the 25th of Zihiza in the 17th year of the reign and delivered to the Government for the Company. It shall be my duty to do everything that may be needful and usual for the interest and security of the country; to provide for the welfare of the inhabitants; to be attentive to the increase of cultivation and improvement of the revenues; to use my endeavors in such manner to expel robbers and assassins and to punish offenders of every kind, that not a trace of them may be left; and will pay the annual revenue of the Government being at Benares Muchlidar rupees of Benares 23,40,249, each rupee to weigh no less than 10 masha, and to contain no more alloy than 2 rutties and 2 chowl, any deficiency of this standard to be made good. If the Government shall not have occasion to receive the same at Benares, I will in such case pay it at Calcutta annually, by monthly payments according to kistbundy and conformably to the Fussul Zile or particulars in the margin, the sum being Calcutta Sicca R22,66,180 including Nuzzerana, &c., but deducting on account of hoondyan or exchange a premium of 2 per cent., which premium of 2 per cent. upon the whole sum being Sicca R44,434-14 annas 5 gundas, I will accordingly deduct for remitting the remainder to the Company's Treasury at Calcutta, so that after the deduction of exchange I shall pay net and without further deduction into the Treasury at Calcutta the sum of Calcutta Sicca R22,21,745-1-15 at the end of each year. After payment of the same and observing the conditions agreed upon, I shall receive a release or discharge in full, wherefore I have written this agreement to be adhered to accordingly.

In the margin follows a list of the monthly instalments.

(Signed by the Raja.)

Dated 25th Suffer 17th Sun, corresponding with the 15th April 1776, Christian.

Seal of the Raja.

Secret Dept. Monday.

Fort William, the 29th April 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
THE HON'BLE GEORGE MONSON.
PHILIP FRANCIS, ESQ.
MR. BARWELL, *indisposed.*

Read and approved the Consultation of the 15th instant.

Received the following letters from MR. BRISTOW :—

HON'BLE SIR AND SIRS,—I addressed the Hon'ble Board on the 9th instant, and this day had the pleasure to attend His Excellency three miles out

of camp to meet the Kelaat of the Vizarat, with which he was clothed on the spot in a tent pitched for that purpose. The Vizier expressed more satisfaction on the occasion than ever I yet saw him. He had the ceremony conducted with great state, and on receiving the Kelaat fired a royal salute.

In my last address I mentioned the plan intended to be pursued for the defence of the country, and the prosecution of the war with Mahrattas in case they would not listen to the Vizier's proposals for peace. On maturely considering the force to be put under British officers, four battalions of infantry were deemed inadequate to the service, for which reason seven more of these under Bussant were recommended by the Minister to be delivered over to their charge, and it has been accordingly done. Including the body-guard there are now altogether twelve battalions under British officers.

The Mahrattas express an inclination for peace. It is however judged necessary to guard against the worst, and therefore Mahboob has been ordered to march to Kalpy, there to remain till further orders; and for the defence of Corah, as was before planned, the Nabob has requested of Colonel Hibbert to order two battalions to that province. The principal reason for urging the Vizier to act with vigor and spirit at the present juncture is the approach of the rains, at which season the Mahrattas cannot act, and it is probable they will be glad to conclude a peace.

The disposition of the officers is not yet completely made by the Vizier, so that it is impossible for the Adjutant-General to furnish a general return. No time will be lost in doing this, but I believe I may inform the Hon'ble Board that there will not remain above two or three of the officers unprovided for.

I have the honor to be, &c.,

CAMP NEAR ETAWA,
The 16th April 1776.

JOHN BRISTOW,
Resident at the Court of the N. B. of Oud.

HON'BLE SIR AND SIRS,—I yesterday addressed the Hon'ble Board and I now do myself the pleasure to forward the following accounts, *viz.*:—

No. 1. Cash in the hands of the Resident at the Court of the Nabob of Owd.

No. 2. The Nabob Aussuf-ul-Dowla in account current with the Hon'ble Company.

I also enclose three receipts of Mr. Kirhman's which are referred to in the cash account No. 1.

I have adjusted my accounts with the Nabob, and settled the different battas conformable to the Mint Master's Assay and the Brigade Orders. The Hon'ble Board will therefore please to cancel those I transmitted the 30th November last, which contain the gross sums received and paid and were only intended as a memorandum for the satisfaction of the Hon'ble Board, until the value of the various sorts of rupees should be ascertained.

I hope in a few days to transmit the account of all my transactions to the Hon'ble Board up to the end of the month of March. Notwithstanding the great pains I have taken to urge both the Minister and the Nabob's officers to settle all accounts with the Company, yet the confusion and irregularity in this Government did unavoidably affect my transactions. Now that I have the necessary assistance, and by the intended plans, affairs bear every appearance of being fixed in the course of a few months upon a permanent footing. I expect also to bring my accounts into some order. As the great object of establish-

ing the Nabob's Government has been effected, I hope any neglect in this branch will pass unobserved.

I have the honor to be, &c.,

Camp near Etawa,
The 17th April 1776.

JOHN BRISTOW,
Resident at the Court of the N. B. of Oud.

P.S.—I enclose the Proceedings of the Court-Martial relative to the one thousand rupees stolen out of the guard.

J. BRISTOW.

Hon'ble Sir and Sirs,—The following remarkable circumstances having this day occurred, I think it my duty instantly to communicate it to you just as I understand it to have happened.

A message was brought to me just after dinner that the Minister Moctar-ul-Dowla had been assassinated, and this news was speedily followed by the intelligence of Bussunt's having been put to death by the Nabob's orders for the murder he had been guilty of. The mode in which both these events occurred was as follows:—Bussunt in the morning had pressed the Minister to come to his house and partake of an entertainment, which the latter accepted, and they both drank hard together. Some dispute arose betwixt them, during or at the close of which Bussunt expressed his being overpowered by the liquor he had drank, and said he must go out to vomit. He accordingly went out, and immediately four or five of his people entered the room he had left and assassinated the Minister. Immediately after the commission of the fact, Bussunt went to the Nabob, and mentioning that some people had murdered the Minister, the Nabob immediately told him that, as done at his house, it must have been committed by his orders. This he denied, but the fact being plain the Nabob instantly ordered his attendants to put him to death. This was executed after some resistance from four or five of his companions, who, finding at last resistance vain, fled, and have not been heard of since. I have waited on the Nabob, and found his guards and house in the utmost tranquillity, and no appearance of any kind of further commotion. The sepoys newly given over to the British officers, who were encamped about three miles from the Nabob's place of residence, could not be kept from marching in order to see that the Nabob was safe. The intelligence of their approach reached me as I was sitting with His Excellency, and I persuaded him to go out and shew himself to the sepoys to satisfy their apprehensions. This he cheerfully and immediately complied with, and ordering the sepoys to obey the orders of the British officers, the former immediately returned to their old encampment; and I am in great hopes there is no reason to apprehend any further disturbance amongst these battalions. Considering the short time they have been under the British officers, it appears to me that their behaviour on this occasion was at least as quiet as could have been expected, especially if we reflect on the lax discipline they had been used to under their former Commanders. Mirza Saaudut Allie, the Nabob's brother, fled upon the first news of the murder of Moctar-ul-Dowla. The Nabob, upon hearing thereof, desired Mr. Grant to go after and persuade him to return. That gentleman is accordingly gone after him, and, as I am told, he is not above three coss off, I hope, on hearing that matters are quiet, he will return. There is no appearance at present of the above events being followed by bad consequences. I shall not however fail to acquaint the Hon'ble Board from time to time of every material circumstance which may occur, and should there be reason to apprehend that the assassination of the Minister, was in consequence of a plot laid, and, as a leading step to some more capital

manœuvres, I shall take every pains in my power to trace the affairs to its true and genuine source, and communicate whatever I may discover, as soon as it may come to light.

I am, &c.,

CAMP NEAR ETAWA,
The 17th April 1776.

JOHN BRISTOW,
Resident at the Court of the N. B. of Oud.

Ordered that the Proceedings of the Court-Martial, enclosed in the above letter of the 17th instant, lay for revisal, and that the accounts be entered after the Consultation.

Agreed that a salute of nineteen guns be fired in compliment to the Nabob on his having received the Vizierut.

Agreed that the following letter be written to MR. BRISTOW:—

SIR,—We have received your letters of the 16th and 17th instant.

We are very much concerned to hear of the unhappy fate of Murtiza Cawn and of Bussunt. We wish however that the Nabob had endeavoured to investigate the causes of the murder of his Minister before he had passed sentence of death for that crime upon the latter.

We ordered a salute of nineteen guns to be fired in compliment to the Nabob, immediately on receipt of the news which you transmitted us of his having received his investiture as Vizier of the Empire.

By the accounts enclosed in your letter of the 16th, we perceive that the balance due from the Nabob is considerable, and we desire that you will take every favorable opportunity of pressing him for the discharge of it.

The Nabob having requested that three Surgeons might be appointed to attend the officers lately allotted to his service, we have nominated Messrs. Harwood, Murchison and Gowdy to that duty, and ordered them to proceed to the Nabob's Court.

We are, &c.

The 29th April 1776.

Government of India Central Printing Office.—No. 479 F. D.—30-1-89.—500.

Proceedings of the Secret Select Committee from 9th May to 27th June 1776.

Secret Dept.,
Monday.

Fort William, the 13th May 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQUIRE.

PHILIP FRANCIS, ESQUIRE.

Received the following letters from MR. BRISTOW, Camp, near Etawah, dated 30th April 1776

HON'BLE SIR AND SIRS,—I had the pleasure of addressing the Hon'ble Board on the 24th instant.

The Nabob, in order to put a stop to all further disputes with the Begum, had transferred the share of the balance due to him to the Company, in consequence of which I did myself the honor to write to her and request the payment of the money. The Begum refuses to admit the whole of the Vizier's demand, and I therefore, for the information of the Hon'ble Board, enclose the copies of my letter and her answer.

As I suppose it will be impossible to settle the account to the Begum's satisfaction without attending to every minute circumstance, I informed her that I should not trouble her on the subject any more by letter, but send Mr. Chandler to examine into every particular soon after my arrival at Lucknow, of which I hope the Hon'ble Board will approve.

Intelligence in this day arrived that Nudjif Cawn stormed and took Dike on the 27th instant. Runjeet Sing escaped, but his family have fallen into the captor's hands; matters were understood to have been settled, for Runjeet Sing had the day before the storm agreed to pay Nudjif Cawn seven lakhs to raise the siege, as many of his people died for want of the necessaries of life. If I hear of any further material circumstances I shall be sure to inform the Hon'ble Board.

I have the honor, &c.,

JOHN BRISTOW,

Resident at the Court of Vizier.

Camp, near Etawah dated 1st May 1776.

HON'BLE SIR AND SIRS,—I addressed the Hon'ble Board on the 30th ultimo, and purpose to set off this evening for Lucknow.

I have often mentioned the mutinous spirit of His Excellency's troops even since the example made of the battalions at Mindighat and it lately broke out, in a more violent manner than it had done for some time. The Vizier before his departure particularly instructed me always to withhold one month's pay from the troops under British officers. About two months were altogether due to them, and there was a report spread by the commandants and

adjutants of the battalions under Lieutenants Blacker and Mence that I had received the full sum, but that I retained half. One month was ordered to be issued on the 26th instant, which the sepoys refused to receive, and during the whole day some of them behaved and spoke to their officers in the grossest and most unbecoming terms. I positively insisted on the officers adhering to the point, and the sepoys at one time agreed to receive one month's pay upon condition that they were promised another month in 20 days. I returned for answer it was always my intention, as also the Nabob's, to have them regularly paid, and as there remained twenty-five days of the fixed time, that I would engage to give them another month at the expiration of that period. On having the message explained to them they positively refused to receive any part but insisted upon the whole, so that I was obliged to send for the commandants to my own tents. I told them their officers had already explained to them that it was a false report my having received the full amount of their pay; I had it not to give them, and they must not expect to receive it. I reproached them with the unbecoming behaviour of their men and asked them what service they could do to themselves, the Nabob, or the Company, by making a disturbance, and furthermore instead of engaging to fix a day for a further payment, I positively protested against it. I assured them at the same time that they might expect the money whenever I received it myself. I desired them further to explain to the sepoys that the Vizier had enjoined them implicitly to obey the orders of their officers; but if they would not it was a disgrace for them to command such troops, and they would leave them, the consequences of which they ought to consider. They listened very attentively, understood all I said, and returned to the lines.

In so numerous a body as six battalions of sepoys without any authorised leader, it is hardly possible to expect unanimity. All the battalions excepting those under Lieutenants Blacker and Mence refused to stand out, as they said, to forward the designs of a few prejudiced men, and so resolved on submitting, which of course brought the other two to do the same. The commandants in about two hours again waited on me and informed me of the sepoys having consented to obey in this and all other points.

I do not think we were ever in any great danger. Lieutenant Balfour's battalion, which is a new raised one and encamped separate from the others, offered to stand by us, and the commandants of the right and left hand battalions in the lines said they thought we might depend on their men in case of its coming to extremities.

The day after this affair the greater part of the black officers in Lieutenant Blacker's battalion refused to submit to his command upon the ridiculous pretence that his appearance did not please them. I assembled them at my tents; and told them that they should submit to him or have no other officer; and they immediately consented. I took this opportunity of informing the commandant and adjutant that I knew they were ringleaders in all mutinies, and that it would be their ruin. I wanted to have them dismissed the service on the spot, but the officers objected to it as they said they could not yet sufficiently depend on their men. This was the last weak effort of their refractory spirit, for now they obey all orders, and what makes me think discipline may be very easily introduced is that sepoys, to above the number of forty, in each battalion, who were marked as ringleaders by the officers, have asked their discharge, and gone off with their arrears paid up. By thus weeding the battalions we shall in less than six months new model them.

After what had happened I judged it expedient to separate the battalions, that the ring-leaders might not have the opportunity of holding their consultations, and that the officers might obtain a personal influence in their different corps. This measure was also much recommended by Zyne-ul-Addyne Cawn, the Naib of the Province, who urged that at this juncture it would be particularly useful in establishing his authority and collecting the revenues, as the zemindars were very refractory, and it was necessary to have the strongest checks on them. Agreeable to his advice I made the disposition of the officers in the Doab; a return of the whole I have the honor to enclose. Lieutenants Maxwell and Martin will have the first vacancies; Lieutenant Maxwell acted

as Aid-de-Camp whilst the seven battalions were encamped together, but this appointment is now rendered unnecessary by the separation of the battalions.

I perceived before the Vizier marched that it was necessary to give the officers every authority and weight amongst the troops that it was possible, and therefore advised His Excellency to write a letter to each of them empowering them to retain or dismiss men as their behaviour might render it necessary; a translation of it I have the pleasure to enclose, and hope it will meet with the approbation of the Hon'ble Board, though I would recommend such an extraordinary power to be only temporary until such time as the discipline shall be properly established.

The mediating of peace with the Marrattas. The principal object of my stay was so delicate a point, that I did not chuse positively to conclude it, and therefore wrote to Bolow Row recommending it to him to continue the cessation of hostilities, until I should be favored with particular instructions from the Hon'ble Board. The Nabob could not in any respect be detrimented by this delay, as in the interim of my receiving these instructions the battalions being dispersed to different parts of the country, we should be able positively to ascertain what degree of dependence was to be laid on the different corps, whereas it would be neither safe nor prudent to trust these troops in their present state in the face of an enemy, in case the Vizier should be obliged to continue the war. The terms the Marrattas require are for them to keep all the countries on the other side the Jumna except a small extent near to Bend, which Captain Stewart is going to protect, and the Vizier to keep all these on this side the river. It is true His Excellency had conquered the country very near to Juncy only six months ago, but the Gossaynes gave it up again, and it is now partly in the possession of the Marrattas and partly in possession of petty zemindars.

The Vizier would not declare what he wished to have me settle, but left me at liberty to act as I thought most for his interest, a discretional power I should be happy if he had not delegated to me as I conjecture he is desirous of holding the country on the other side of the Jumna, and I do not know whether I should be able to obtain it for him without risking a war. One advantage both to him and to the Company I recommend to the consideration of the Hon'ble Board. That by the Vizier's having possession of a stronghold so far advanced as Juncy, the severest check would be laid on the attempts of the Marrattas against the Company's frontiers, as a numerous and regular army under British officers might at a very short notice enter the very heart of their dominions. No inconvenience will result to the Vizier from not concluding anything definitively for a month, because the Marrattas can keep the field for near that period, and afterwards on the setting in of the periodical rains they will be obliged to retire if attacked. They cannot stand against regular troops at any time, and their only mode of conquering is to lay waste the country and cut off all supplies, which they could not do at that season of the year, nor could they provide for themselves. The Marrattas have at present no force equal to what the Vizier could bring into the field, though at an after period they may collect a very formidable one, and advance into the Doab to the great loss of His Excellency's revenue, and perhaps ultimately the involving the Company in a war by an attack on the guaranteed provinces. The country to be conquered will, I expect, hardly pay the expenses of the army. It is only intended to keep this country from ever being the seat of war; and when I speak of suffering the Rana of Goad to hold the districts on the other side the Jumna, in fact I only mean as a farm from the Vizier, as all forts and strong places should be garrisoned by His Excellency's troops. Peace having been concluded with the Marrattas at Poona, I feared to insist on what I conjectured to be the Vizier's inclinations, lest it should clash with the good understanding that had taken place between them and the English; at the same time I could not relinquish His Excellency's interests, so for every reason I thought it my duty to wait the instructions of the Hon'ble Board, not knowing how far they might even approve of my mediation. At all events I am satisfied that by the disposition of the troops the Doab is secured from any danger at present, as upon only seven days' notice six battalions of sepoys can always be assembled in any part of the province.

I some time ago forwarded letters from the Vizier to the Governor-General, soliciting to be supplied with gentlemen for the undermentioned stations:—

Three surgeons,

Two officers under Lieutenant Connellan, who commands the Body-Guard,

An officer and an assistant to superintend the Arsenal.

The surgeons and the superintendent of the arsenal are absolutely necessary, and I also submit to the consideration of the Hon'ble Board the propriety of having the Body-Guard well officered.

I have the honor, &c.,

JOHN BRISTOW,

Resident at the Court of the Vizier.

Ordered that the enclosures in the above letters be entered after the Consultation.

Resolved that the following reply be written to Mr. Bristow:—

To Mr. Bristow.

We have received your letters of the 30th past and 1st instant.

We conclude that you will be apprized of the Begum's ultimate resolution with respect to the payment of the balance of her account with the Vizier before this letter reaches you, and that you will either have recovered the amount or received her peremptory refusal to pay it. We do not disapprove of your accepting of the Vizier's transfer of that debt to the Company. But as it is highly improper to make them the instrument of asserting his pretentions on any of his subjects, not in open rebellion against him, and more particularly in inforcing disputed claims on his mother, we direct that if she shall not have discharged the assignment or freely consented to pay it when you receive this letter, you will immediately return it to the Vizier, and leave it to him to adjust the account with the Begum, accepting at the same time any part that she may be willing to pay you on account.

We approve very much the advice which you gave to the English officers after the mutiny, respecting the removal of the native officers under them, as we are of opinion that these last, being the only sufferers by the new establishment, will continue to foment, as it is evident they lately contrived the seditions among the sepoys, and that these corps will never be reduced to a perfect state of good order and discipline until the former native officers, or at least the greatest part of them, be dismissed. This opinion we desire you will take occasion to communicate to our officers in such manner that it may not be publicly known.

We are inclined to think that the terms on which some of the principal mutineers have been allowed to depart with their full arrears of pay were too advantageous to them, and more likely to encourage others to behave in the same refractory manner than to produce the good effect which you seem to expect from it. We rather think that in every similar instance the ring-leaders of the sedition ought to be publickly punished with particular severity; for this reason we desire that you will advise the Nabob to cause every officer or sepoy against whom a charge shall appear, either of mutiny or any other gross offence, to be brought to a public and formal trial before a court martial, and to abstain himself from every kind of summary punishment but when reduced to it by the last extremity.

We have now in our service many supernumerary native officers at Patna, who have been long accustomed to the English service and discipline. As we think they may be of great use in reforming the Nabob's troops and introducing subordination among them, we are willing to spare them to fill up any vacancies that may happen in his battalions. Captain Hasty has been ordered by the Commander-in-Chief to furnish you with a list of their names, that you may apply to him for them in case the Vizier should think proper to engage them.

With respect to the negotiation you have entered into on behalf of the Vizier with the Marattas, we can give you no particular instructions, as we are yet unacquainted with the objects of contention and the nature of the transactions which have hitherto passed between them; but we advise you on the whole to endeavour to accommodate matters between them on the most secure and hon'ble terms that you may be able to obtain for the Vizier, without engaging the Company in any guaranty, or risquing an interruption of the peace lately concluded at Poona.

We are, &c.,

FORT WILLIAM,
The 13th May 1776.

Letter from MR. BRISTOW to the Begum, dated 3rd Safar (17th year of the King's reign).

Having neglected for a length of time to write to you, but being over-desirous of testifying my good wishes and concern for your welfare, I now enclose to you a statement of the balance due agreeable to the coulnama, as adjusted by the Nabob. The articles of bullock carriages and carts and horses, &c., are valued by your mutseddies in the fied enclosed in your letter at R42,320, but by the estimate which has been since made by the appraisers, they are only valued at R13,934, which sum has been written to your credit in the wasil baky. The difference is R28,396. Perhaps your servants may have made a mistake in the valuation of the articles, for it appeared to me when I saw the bullock carriages that they had been charged at twice their worth. The balance due from you to complete the coulnama amounts, agreeable to the account current which I now enclose you, is R9,48,966, the payment of which, according to this adjustment, will put an end to all dispute. The Nabob has promised to pay this money to the Company which makes me so earnest that you should send it by Meer Mahomed Hossen, the Naib of Mirza Hossen Reza Khan, who holds the office of Sezawid for the receipt of money on account of the English brigade, and who I have appointed to this particular charge. I request that you will favour me with letters.

Answer of the Begum.

After a long silence I have been favored with your letter in which some accounts are enclosed. The case is as follows: Allow me credit agreeable to my account and take balance. Perhaps there may have been a mistake in the accounts which you have enclosed in the valuation of the bullocks, &c., which amounts to no more than R13,000. The proper value is that at which I have estimated them, in which there is no mistake, and from which there shall be no difference. Your mutseddies have much under-valued the articles, and I cannot, this being the case, answer the balance. I now enclose an account in which it is clearly explained. Allow me credit for this and send to me a trusty man that I may deliver in his presence other articles at the bazar price, for the payment of the remainder.

I have received a letter from Mr. Hastings and the Council, informing me that they have written on the above subject to you, and that the articles which I deliver shall be valued at an equitable price, and by no means otherwise which I may rest assured.

I charged the broadcloth, &c., which I sent, at a proper price that there might be no disputes. I know not when the present dispute will end. I shall be always happy to hear of your welfare.

The Governor-General and Council assure me that no one shall distress me in future, or treat me in an unbecoming manner; and that they have written for this purpose to Mr. Bristow. You have not written to me on this subject, but I request that you will communicate to me the instructions which you have received from the Governor-General and Council.

Fort William, the 29th May 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

THE HON'BLE GEORGE MONSON.

RICHARD BARWELL, ESQUIRE.

PHILIP FRANCIS, ESQUIRE.

Read and approved the Proceedings of the 22nd instant.

The Governor-General lay before the Board the following copies of his separate address to the Hon'ble the Court of Directors and his observation on the minutes of GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS, which were transmitted to England by the *Talbot.*

To

THE HON'BLE THE COURT OF DIRECTORS, &c.

The Governor-General's separate address to the Court of Directors.

HON'BLE SIRS,—I am almost ashamed of the importunity of my late addresses. I feel my respect for your Honorable Court injured by the part which I am still compelled to bear in a contest, which neither tends to promote your interests nor to afford you information. The enclosed observations on the minutes of the gentlemen of the majority which were transmitted to you by the last despatches are the last trouble which I hope you will ever receive from me of this kind. For these I need and request your pardon.

I have the honour, &c.,
WARREN HASTINGS.

FORT WILLIAM,
The 27th March 1776.

Observations on the minute of GENERAL CLAVERING, COLONEL MONSON, and MR. FRANCIS, dated 20th January 1776, No. 1.

In this minute I am charged by the gentlemen of the majority with writing voluminous addresses, and with not replying to every part of theirs, which would made mine yet more voluminous. It is not my fault if I am compelled to stand on my defence; but they are certainly to blame who impose on the Hon'ble Court of Directors the unremitted fatigues of reading so much useless controversy on subjects long since exhausted. The minutes of the majority which were written by the last despatch contain very little new matter or argument; but I am obliged to reply to them because the recent allegations must make some impression on the mind which may have either forgot, or indistinctly remember the distant refutation of them in my former letter. I cannot, however, avoid remarking that it was rather unreasonable to prefix the complaint of my addresses being voluminous to a packet of theirs, which consisted of no less than nineteen sheets of paper. I will not promise to be more brief in this reply, but I will attempt it.

The extracts quoted from Mr. Vansittart's narrative to refute my assertion, that "in all the trouble of Mr. Vansittart's Government there is not a single instance of a complaint produced against a gomashtah of the Company," is nothing less than a refutation of it, since the gomashtahs of the factories of Lukshipore and Dacca, who are mentioned in the letter from Mahomed Ally, the

Collector of Dacca, were not the gomashtahs of the Company but of individuals. Had the gentlemen of the majority taken the trouble to read but three pages further, they would have discovered their mistake, for it appears from the extract of a letter from the gentlemen of the Factory of Lashipore (volume 2, page 121), which was written nearly at the same time with the preceding, that the complaint is retorted upon the Nabob's officers for opposing the trade of the gomashtahs, and the following words place it beyond a doubt whose gomashtahs they were:—"this has occasioned an entire stoppage to our trade, greatly to the detriment of our private fortunes as we have now large quantities of goods detained at the different chokeys, unless we submit to pay the extravagant custom they require, and were we to do that our boats are liable to be stopped at the very next chokey, and the same duty again demanded. Of these circumstances we think it necessary to advise you, and hope speedy measures will be taken to procure us redress. We are under daily apprehensions that a custom will be demanded on our cloth purchases which must be of great prejudice to our hon'ble employers."

The words which I have underlined shew that these disputes regarded only the private trade of the Company's servants residing at the factories, and were not yet extended to the Company's investment.

Many other passages occur in the subsequent pages of the book, which afford additional confirmation of my general assertions, that all the complaints against the English gomashtahs were against the gomashtahs of individuals and not of the Company. It is not worthwhile to quote them.

In this minute I find another attempt at a refutation of the same kind drawn from Mr. Vansittart's narrative. Their words are these—

"In March 1763 his opinion in support of the country Government stood alone against that of the whole Council. He was then the only Member of the Board who affirmed that the English gomashtahs should be subject to the controul of the officers of Government." His language then was—"'in whose hands can power be so properly lodged as in those of the Government to whom it belongs?'" When conclusions are drawn through such obscure channels from their premises, I find myself at a loss, for want of a clue, to reply to them. Having vainly searched for the contradiction inforced from the above extracts to my latter opinion, I shall only reply, that in the year 1763 I contended for the rights of Government, and that I do so still. The Government at that time belonged incontestably to the Nabob. It has been since assumed by the Company, and I maintain now, as I did then, that in whatever hands the Government is held, the powers which are necessary for the exercise of it should be lodged in the same, and exercised without foreign controul or participation.

"If since that period the authority of the Subadar has in fact been considerably diminished, strange!" I affirm to be wholly extinct and annihilated. If this be disputed, let proofs be produced of the instances in which the Nabob's authority has been exerted without the immediate direction and sanction of our Government.

I still adhere to the declaration that "by the Constitution of Bengal the zemindar neither presided in the criminal court of his district, nor pronounced nor executed sentence in all offences less than capital, nor any offences whatever, except the non-payment of the rents.

The Committee of Secrecy proceeded on the information which were given to them. I have no cause to believe that they doubted the authority of mine, which appeared in the letter from the Committee of Council to the Board, which accompanied the judicial regulations of 1772. This contains a just accurate description of the modes of administering justice, which had been established under the Mogul Government. To that I appeal, for it is certainly good authority in this place, as it was impossible for the Committee to have written it with a view to the support of my present argument or with a bias to deceive. The Foujdarry jurisdiction, which was affirmed by Mr. Barwell and myself, in our plan of the 22nd April last, to be inherent in the zemindar, has no affinity with the judicial authority, but meant only the authority vested in the

zemindar, to guard and maintain the peace of the country. I am astonished to find in the minutes of the gentlemen of the majority the same confusion of terms still prevail between the Foujdarry Adaulut and that of the Foujdarry jurisdiction, the first of which mean the courts of criminal justice, the second the officers of the police. The former were wholly independent of the zemindar, the latter were especially intrusted to his charge and inherent in the constitution of his office.

I shall not follow the gentlemen of the majority step by step through their examination of the measure of the late Government, which have been so often and so largely canvassed on both sides; neither do I think it necessary to contend with them whether the Court of Directors have approved or censured them; they best know their own intentions, and I am satisfied with the mode in which they have been pleased to express them.

Yet as one new argument has been introduced to prove the violation of faith which the late Administration is charged in the cession, or, if they please, the sale of Corah and Illahabad to the late Vizier, I must take notice of it. It is said "that these provinces were entrusted to our care as a deposit by the King's late Minister, Moneer-ud-Dowla and accepted by the late administration on that footing," and "that as soon as Mr. Hastings got possession of this deposit he sold it to Shujah Dowla."

I am at a loss to conjecture the authority by which the gentlemen of the majority may have been misled to make an assertion so totally devoid of real foundation. It is sufficient for me to declare that I know not, nor have the least conception, of any transaction between the late Administration and the Nabob Moneer-ud-Dowla, which can admit of such a construction, as that he either entrusted these provinces to the care of the President and Council as a deposit, or that they accepted them under any condition from him. For fuller information of this transaction, I beg leave to refer the Hon'ble Court of Directors to the Consultations in the Secret Department dated the 1st and 18th February, 26th April, 18th May, and 4th October 1773, in which the whole progressive state of it is recorded.

I must also reply to the following passage: It is asserted that "before the Treaty of Benares, Shujah-ud-Dowla was bound to defray the expence of the Company's troops employed in the defence of his dominions." This is a mistake. In the Treaty which Lord Clive concluded with Shujah Dowla the *extraordinary* expence only of the troops is stipulated, and this was afterwards settled by General Smith at R30,000 a month, of which Shujah Dowla paid half; had the gentlemen of the majority experienced the difficulties which I met with in Treaty with Shujah Dowla on this point, they would probably have been convinced that he did not consider himself as bound by treaty to yield it. The subsidy of R2,10,000, which he at length agreed to pay for a brigade, appeared by an estimate of the Commander-in-Chief to be the real expence. It has been raised by the present Administration to R2,60,000. The weakness and the necessities of Shujah Dowlah's successor obliged him to submit to any terms which this Government thought proper to prescribe; but it must be observed that the poverty into which he has fallen disables him from fulfiling this engagement. The subsidy is now greatly in arrear; and whatever praises may be due to the gentlemen of the majority on this occasion, I am apprehensive that the advantage which the Company may have been led to expect from it is merely nominal; and that the Nabob of Owde, stripped of Benares, and involved in an accumulated expence, will be unable to pay even the original stipulation of two lacks and ten thousand rupees.

I read with astonishment the information which the gentlemen of the majority are pleased to give to the Court of Directors that "the recovery of the money," due on account of the Rohilla war, "was solely owing to the vigorous measures they took with Shujah Dowla." In the same spirit they have at various times laid claim to the merit of every beneficial act of the late Administration, even while they brand them and the authors of them with the most injurious epithets. In the same spirit they give themselves the credit for the payment of the Company's debt by the means which the labours of the late Administration had provided. Surely it is not necessary to waste proofs in the refutation

of such groundless pretensions, or to demonstrate that the sums received from the Nabob of Owde for stipulations made with the deceased Nabob by the late Government, were acquired by the measures of the late Government, with whom he had fulfilled all his preceding engagements; such is far from being the case with his successor and heir. Much less is it necessary to inform the Court of Directors that the resources provided, and the savings effected by the late Administration, produced the means of reducing the Company's debt, when they themselves so easily discovered those means as to point out the application of them in the 125th to 144th paragraph of their letter of the 3rd March 1775.

The following paragraph of the minute of the gentlemen of the majority breathes so much candor and moderation that I may be excused perhaps in repeating it:—

"Though better informed than Mr. Hastings with respect to our principles of action, we do not find it so easy a task as he does to determine for us precisely what we should or should not have done in his former situation, or in any other supposed political conjuncture. Measures of Government are too often decided like those of individuals by instant impressions of danger, or immediate prospect of advantage; and no man can positively say how far his own passion or judgment might have been influenced by such motives, if he had been called upon to act in any given circumstances."

I agree perfectly with the gentlemen of the majority. Mankind in every situation are liable to error, and a sense of those imperfections to which we are all subject ought to lead us to judge charitably of the actions of others. Yet on this occasion I cannot but lament that so small a portion of that liberal spirit which dictated the above sentiment has actuated those who have set themselves up as the judges of my conduct.

In the various political situations in which the late Administration were called to act, I pretend not to say that "impressions of danger, or the prospect of advantage" never influenced their Councils; but I trust that whoever wishes to form an impartial opinion of the measures of my Government will examine them not by theoretical and abstract principles, but will consider the difficult and important conjunctures in which we were placed.

In the conjecture which I hazarded concerning the probable conduct which the gentlemen of the majority would have pursued in my former situation, I confined myself to such measures as they had branded with their disapprobation. I concluded that they had weighed every circumstance before they proceeded to censure, and that candor would have forbid them to vilify measures which in particular circumstances they might have thought it prudent to adopt. Perhaps I have been too hasty in drawing this conclusion, perhaps a more intimate knowledge of my situation would have thrown a different light upon my conduct, and have enabled my colleagues to determine with less reserve how far they would or would not have adopted those measures which they now condemn. I have already explained to them fully the public grounds of my conduct. Other motives I confess on some important occasions may have influenced me and might have influenced them.

Let the gentlemen of the majority then suppose themselves placed in this country in April 1772 with the same authority as they have possessed since their arrival; and before they delineate their line of action, let them carefully survey the difficulties that surrounded them; the Company in England reduced to a state of bankruptcy and supported only by the loan of almost a million and a half; the expences of this Government exceeding its resources, and supplied by bills drawn upon the Company the foregoing year, to the amount of near a crore of rupees; the revenues greatly reduced; the finances loaded with a bonded debt of above a crore of rupees; the country however drained of its wealth and depopulated by the famine, obliged by the letter of unprofitable treaties to export annually above half the sum to foreign countries, *viz.*, twenty-six lacks to Shah Alam for an ideal title which he had won and held only by our arms, and as much more for the pay of a brigade sent every year for the assistance of Shujah Dowla; the Marrattas in possession of the person of Shah Alam, and preparing to establish themselves in Corah and

Illahabad by right of his sunnud; the Rohillas afterwards refusing to fulfil their engagement by Treaty to pay forty lacks of rupees in consideration of the protection they had derived from the combined arms of Shujah Dowla and the Company. Let the gentlemen of the majority suppose themselves called to decide under these circumstances, and let them declare their resolutions:—

	R
Proportioning the assessments to the exigencies of the country, would they have reduced the revenue still lower? State this diminution at only 25 lacks of rupees it would have amounted before the 19th November to above . .	60,00,000
Would they have continued to remit the King's tribute, or by locking it up in chests as a deposit have withdrawn from circulation and from the finances	90,00,000
Considering Corah as the indefeasible property of the King, would they have kept possession of it for his use, in opposition to his grant to the Marattas. It might have defrayed the expense of the troops, but the consideration for the cession of it would not have been received . . .	50,00,000
And the presence of a brigade in the neighbourhood of his dominions would have saved our ally, Shujah Dowla, from the expence of paying our forces	50,00,000
Having before entered into an alliance with the Rohillas, who refused to comply with the terms upon which it was founded, would they have quietly submitted to the infraction of the Treaty	40,00,000

In deliberating upon these different points it would not have been sufficient to conclude that the collection of a smaller revenue would tend to the advantage of Bengal; that although the stipulations in the Treaties with the King and Shujah Dowla have been imposed upon the Company without an equivalent, their administration was bound to fulfil them; that it would have been worthy of the loyalty and generosity of the English nation to have guarded, in spite of his orders, the country of a Prince who had flung himself into the hands of a hostile power, or that on principles of forbearance and humanity it is better to allow a foreign State to break its engagements than to quarrel with it. In the midst of their solicitude for the interests of Shah Alam, of the Rohillas, or of Shujah Dowla, some attention might have appeared due to the exigencies of that State, with the charge of which they were entrusted; a desire of retrieving the Company's affair might have prompted them to uncommon exertions; and, however anxious they were to avoid the smallest imputation of breach of Treaty, necessity might have obliged them to withhold subsidies that had exhausted Bengal, had brought the Company to the brink of ruin, and which from the state of the country and the finances of this Government it was impossible longer to pay.

Should the gentlemen of the majority, after weighing those propositions, persist in condemning the measures to which they allude, I may be justified perhaps in expecting that they will inform the Company, first, in what manner the disbursements of this Government could have been reduced so as to have answered for the want of those funds, or secondly, from what probable sources, the ways and means of this Government, could have been encreased in the same proportion, and thirdly, whether they consider Bengal in so affluent a state as to bear a diminution in circulation of above two crores of rupees.

Before the gentlemen of the majority lay down the plan which they would have adopted in assessing the revenues, let them reflect on the state in which they would have found the country; the effects of the famine had been felt with unequal severity in different provinces; some districts were almost depopulated, others had hardly suffered by that calamity; the state of Bengal was totally changed; the ancient hustaboods or valuations of the lands could no longer be depended upon; the distresses of the people in many places called for a remission in the rents; the exigencies of the Company at the same time would scarcely admit of a diminution under such embarassment. Are the gentlemen of the majority absolutely certain that they would not have let the lands to farm on a reduced but gradually encreasing rent, and for a fixed term of years? Are they certain that they would have considered themselves as better

qualified to judge of the real value of the lands than those who offered to farm them? Would they have informed a zemindar or farmer who proposed to pay a revenue of twenty lacks of rupees that he had offered five lacks too much? And do the savings and economy of their Administration encourage them to think that they would have conducted the affairs of the Government at a far less expence than any of their predecessors? When they declare that "they would have proportioned their demands to abilities of the people," I have a right to ask them by what rule their ability could have been ascertained? When they assert that they could have collected a less revenue I have a right to expect that they will point out how the services of Government might have been reduced in the same proportion? Until this is done the Company perhaps will consider their plan of government as merely chimerical, and class it with schemes for paying the National Debt or reducing the Land Tax in England.

WARREN HASTINGS.

Observations on the minute of General Clavering, Colonel Monson, and Mr Francis, dated 20th January, No. 2.

The minute of the gentlemen of the majority (No. 2) continues to exhibit the revenues and finances of this Government during the late Administration, in the most unfavorable point of view: it contains no information or materials with which the Company were not before furnished. The accounts of the revenue and of the receipts and issues during my Administration were regularly transmitted to the Court of Directors; and every article may be examined, contrasted, and analysed by them with the greatest exactness from the best authorities, and with the most able and official assistance.

The gentlemen of the majority assert that the state of the revenue which I sent to the Court of Directors is unfair and fallacious. They find fault with my having informed the Company that the collections of last year were only eleven lacks ninety-one thousand rupees less than the medium of the first seven years of the Dewanny at the same time that they admit the fact. They are eager to inform the Company that the annual revenue of the last three years fell eighteen lacks short of that of the first seven, and they might surely have done this without wantonly stigmatizing my account with the epithet of fallacious. When this country was represented by them as in a state of bankruptcy, and unable to pay the revenue, it was my duty to undeceive the Company. A comparative view of the collections now and formerly realized seemed the most likely means of removing the alarm which those representations might occasion. I transmitted this to the Court of Directors, accompanied with a state of the revenue for ten years past. (25th November 1775.) The accuracy of these accounts has been uncontroverted, and fully warrants the conclusion I drew from them. The gentlemen of the majority, by adding or separating the different articles, may draw other conclusions from them, but this in no manner invalidates mine, nor proves the account fallacious.

Had I purposed, indeed, to have shewn the Company the state of the revenue since my accession to the Government, it might have been necessary to state the proposition in a different manner. I should certainly have taken the nett results immediately before my Administration—

	R
In 1770-71 they amount to	2,43,72,876
In 1771-72 to	2,58,38,568
The medium of these two years is	2,51,05,722
The medium of the collections during the three years of my government is	2,40,15,300
The difference is	10,90,422

which is less than the medium which I had stated by above a lack of rupees.

Whatever doubts the gentlemen of the majority may express concerning many transactions that happened in the country prior to their arrival, I presume they will hardly dispute the reality of the famine and of the great depopulation in Bengal. This event happened in the year 1769-70, and forms an epoch in the estate and in the revenue of the country. I should be justified therefore in contrasting the receipts during my Government with the receipts subsequent only to the year 1769-70. For to blame me because Bengal when depopulated yielded not so high a revenue as before is equally as just as to accuse me of having been the cause of that calamity.

It is difficult, I confess, to answer the different and contradictory charges that are brought against the late Administration. They are censured for having obtained a far less revenue than their predecessors; and they are censured for having exacted more from the country than it could bear; in one place proofs are brought that the revenue annually fell short by eighteen lacks, or above half a crore of rupees in the whole period of my Government, in another it is expressed as a matter of astonishment that with the plentiful funds we possessed the Company were not much richer than they were. For the sake of supporting their own argument, they state that the revenues of Bengal yielded nearly as much during my Government, that the domestic funds were as ample, and the Services in no instances greater than before; then let them enquire into every article of extraordinary resource and why there did not exist a balance in the Treasury when they arrived. If they shew that a small revenue was raised let them censure me for allowing it to decline. But to accuse me first of realizing a less revenue than my predecessors, and next of not conducting the finances with the same effect as if I had received the full amount, is a mode of argument too intricate and subtle for me to combat.

I will not attempt therefore to follow the gentlemen of the majority through all the mazes into which their ingenuity has led them. My Government was not spent in ineffectual or logical discussions; and must be tried by facts, and on principles of common sense. Whether at my accession to the Chair the Company's officers were or were not in an unfavorable situation; whether the exertions which I profess to have made have or have not served to retrieve them, are questions which I will not take upon me to determine. But they will be determined, I trust, on grounds very different from those which the gentlemen of the majority assign. It is not by the selection of a few articles from the Company's books, or by the partial balances of cash in some particular treasuries, that the state of their affairs is to be known; it is not by the gross sum advanced to the Military Pay Master that the real expence of the army is to be ascertained.

The military charges from the 30th April 1774 to the 1st May 1775 are stated in the minute at Company's R1,33,11,383-5; an abstract signed by the Sub-Accountant is referred to in support of this position, which shows the gross amount issued during twelve months for military disbursements, but without specifying what portion of such payments were made for services performed within that period.

The gentlemen of the majority, when they transmitted this account to the Court of Directors, no doubt believed that the actual expenses of the army within that year had amounted to the enormous sum set forth in their minute. They must have known also that this information would greatly alarm the Company, yet instead of applying to the Commissary or Pay Master for an explanation of this charge, which exceeded General Clavering's estimate almost forty lacks of rupees, or calling the attention of the Board to an object of so great importance, they are satisfied with observing that it does not appear that a reduction of the military expences is to be reckoned among the savings at or before their arrival.

During the last six months however, the period referred to, I was entirely excluded from the Administration; and if the disbursements were exorbitant the gentlemen of the majority must answer for it. But in truth their desire of censuring me has led them on this occasion to submit in some measure to an undeserved censure themselves. In proof of this I beg leave to refer to the

annexed account signed by the Commissary-General, and accompanied with his letter, which will shew that the military expences during the last six months of my Administration—

	R	a.	p.
Amounted only to	44,08,195	12	2
And during the remaining six months to . . .	45,92,949	1	0
So that the whole expence of the military, exclusive of stores from the 30th April 1774 to the 1st May 1775, is only	90,01,144	13	2

which is R37,28,817-6-1 less than the sum stated in the account transmitted by them to the Company.

Great stress is laid on a comparison between the state of the treasuries at my accession to the Chair and at their arrival. On the one side the balance of cash at Patna is included, on the other it is entirely omitted. I will only remark, however, that at the first of those periods the Treasury had the advantage of the collections of the whole year, and of what remained unspent of the great supply which the bills on the Company had thrown into it the foregoing season, and that only a small portion of the issues on account of the investment and other annual expenses had been made. Yet the funds of this Government were so unequal to its expences, that although the charges during my Administration were at no period higher than during that of my predecessors, a further loan became necessary. The expencive establishments, both civil and military, were reduced by a painful and laboring attention which has been rewarded with the thanks of the Company. The effect of these retrenchments, however, on the finances could not be immediately felt, and in candor some merit may be allowed to the liquidation of that part of the bonded debt which, though contracted during my Administration, the exigencies of this Government has rendered unavoidable.

I am at a loss to discover the particular purpose for which the different articles of debt and credit in the account entitled extra resources and disbursements have been selected. If it is meant to prove that the late Administration procured funds, and enjoyed resources which their predecessors had not, I will readily admit the truth of the proposition. The charge of breach of treaties, of not paying just debts, of selling the property of others, and of hiring out the troops of the State, has been too often repeated to leave any doubt that the Company's orders for reducing the Nabob's stipend, that the suspension of the King's tribute, that the cession of Corah and Illahabad, and that the subsidy for the assistance of our troops took place under my Government. These, together with the stipulation for the Rohilla war, are articles of real profit, or of saving to the Company, and the uses which the gentlemen of the majority have made of them are various and singular. They have served, first, as proofs of injustice and cruelty to vilify my conduct; next, by applying the funds which they yielded to liquidating the bonded debt they have served to magnify theirs; and now being collected together and placed in a different point of view, they serve to evince that I have not availed myself of all the means in my power to retrieve the Company's affairs.

	R	a.	p.
In the former part of the minute the military charges are stated as having exceeded the annual establishment about	38,00,000	0	0
The gentlemen of the majority, by the manner in which the account of extra resources and disbursements is formed, next produce a balance of extraordinary resources, unaccountably made away with, of	1,85,83,693	5	0
	1,73,83,693	5	0

and conclude, upon what principle I know not, that "it is not their business, nor indeed are they able to account for the disposition of the great balance, which they think should have existed in the treasury when they arrived."

After having employed every art during eighteen months in procuring accusations against the late Administration and scrutinizing into their conduct, they will hardly say that it is not their business to examine into the supposed misapplication or embezzlement of so vast a sum of publick money. Is it from tenderness to my character that they forbear this enquiry? Is it from indifference to the Company's interest? or is it that busied in discovering some petty abuses they consider crores of rupees as an object unworthy of their attention.

It is not my fault if they are *unable* to account for the disposition of these larger sums. I have furnished them with ample materials, which it rests with them to examine; I have asserted that during my Administration larger investments were sent to Europe than before; that the resources of this Government, being brought to answer the Services, bills to the amount of near a crore of rupees were not drawn upon the Company, and that by a comparison of quick and dead stock at the beginning and at the end of my Administration, the Company appear to have been two crores richer. These are propositions which I have long ago made; if true, they will fully account for the application of the extra resources. If false they are open to detection. But they must be tried, particularly the last, not by a partial selection of entries from the Company's books, but by a liberal and comprehensive view of their affairs. To have performed those services, and at the same time to have retained the amount of every saving and of every profit a deposit in the treasury, I confess far exceeded the extent of my abilities.

Many insinuations are thrown out in different parts of this minute. The Company are desired, with an air of great mystery, to remark that the payment of the tuncaw in the King's tribute for R6,96,000 took place a few months after my meeting with the Vizier at Benares. Whether this transaction happened as it did, on six months or six years after my journey to Benares, is a circumstance of little consequence. The Company are well acquainted that these assignments, granted long before my arrival in the country, had been accepted by my predecessors, and that the faith of Government was bound to make them good. As to the payment of Nudjiff Cawn's stipend it has been approved of by the Company.

The last part of the minute endeavours to shew the fallacy of an estimate by which I proposed, in January 1775, to pay off sixty-one lacks of the bonded debt on the 28th of February following. The accompaning state of the treasury at that date will enable the Company to judge of this structure—

	R	a.	p.
The balance of cash in the treasuries of Calcutta and the Provincial Councils on the 28th February was actually	99,85,801	9	3
Exclusive of the sums received from the Nabob of Owde, all which arrived within a few days of that period	30,31,514	0	0
	1,30,17,315	9	3

I humbly apprehend that 61 lacks might well have been paid off with 130. Nay, that it was sufficient to have liquidated the whole of the bonded debt, and still to have received the amount of the salt balance a deposit in the treasury as will appear from this account.

The justness of the estimate formed by the Accountants which stated the probable balances in the treasury at the 31st December last is again controverted. I have already transmitted a state of the treasuries in Bengal at that date, which, after providing a fund for discharging the whole of the bonded debt, left an overplus of 35 lacks; an error to the disadvantage of this account arose by omitting the batta on the money in the Provincial treasuries; a corrected account accompanies this address.

It may appear extraordinary to the Court of Directors that while their treasuries in Bengal were so full the Company should have continued so long,

and even still continues, subject to a heavy interest, for the bonded debt is not even now paid off. The real fact is this. Every proposition which I offered was rejected. The bank which served as a channel of remittance was abolished; large balances of cash which required only an order of the Board to transport to Calcutta were left unemployed with the Provincial Councils, and the low state of the Treasury at Calcutta was held forth as a proof of the decline of our finances. But even this argument will no longer avail them; the Company will observe from the state of the Treasury transmitted by this ship that the balance of cash at the Presidency exceeds the amount of the bonded debt, and except the sum of Sicca R7,40,285, received from Benares, I must again request the gentlemen of the majority will point out by what measures or arrangements they have contributed to fill the Treasury and to liquidate the bonded debt.

WARREN HASTINGS.

The GOVERNOR-GENERAL and MR. BARWELL lay before the Board a copy of a letter addressed by them jointly to the Court of Directors by the Ship *Talbot*, with the copy of a Bill proposed for an Act of Parliament and other enclosures. They have thought proper to add some corrections to the Bill, which are intended for the next copy to be transmitted to the Court of Directors, and are distinguished by being written in red ink.

To

The Hon'ble the Court of Directors for Affairs of the Hon'ble United Company of Merchants of England trading to the East Indies.

The Governor-General and Mr. Barwell's address to the Court of Directors.

Fort William, the 30th April 1776.

HON'BLE SIRS,—The accompanying sheets contain the drafts or scheme of an Act of Parliament formed on the plan which we had the honor to transmit to you in duplicate by the last dispatches for the better administration of justice in these Provinces, and drawn up at our instance by the Chief Justice. The enclosed copy of a letter from him to the Governor-General, now sent with his permission, will best explain our motives for engaging his attention to so laborious and difficult an undertaking.

The other Judges, to whose candid assistance we must also acknowledge ourselves greatly indebted, have together revised the whole with great care and attention; and have been pleased to signify their general approbation of it in a letter which we likewise enclose for your satisfaction.

Though incompetent judges of a composition of this nature, it appears to us to be written with such accuracy and perspicuity, and guarded with such ample provisions, that we believe it will not need the *allowance* which the Chief Justice has thought proper to claim for its defects. Yet it is a duty which we owe to his appeal to declare that although it was most cheerfully undertaken, it was begun immediately after a fit of sickness so late, as the time of the close of our public dispatches and delivered as it was finished in parts for repeated revisal. The same excuse we must plead for the blots and erasures of the copy having been obliged to employ several hands in transcribing it, and to correct some parts, after it had been written for your use.

The short time which is now left us (the packet being already closed) will not allow us to offer many observations upon this performance. Few deviations have been made in it from the original plan. The most essential are in the jurisdiction respectively assessed to the Provincial Councils, and the Courts of Adawlut Dewanny Zillajaut. The former are restricted to the cognizance of such causes only as had an immediate relation to the public revenue; the latter are entirely freed from their dependance and connection with the Provincial Councils, and invested with a jurisdiction in all cases which do not appertain to the revenue, and even in the trial of complaints from the ryots against the inferior agents of the collections for exactions not warranted by their pottahs

or leases, for although these, as matters of revenue, should be properly cognizable by the Provincial Councils, yet from the innumerable instances of this kind of oppression, which we apprehend will occur whenever the ryots shall have a resource provided for their redress, they would prove too heavy a charge upon the Provincial Councils, and encroach too much upon the time which they ought to bestow on the receipt and management of the larger collections.

By this distribution the objection is in a great degree removed which might have been made to the mixed powers which were proposed by our first plan to be given to the Provincial Councils; and we hope it will be found that the judicial authority which is still left with them, is no more than will be indispensably necessary to enable them to conduct the business of their official department, without the embarassments and delays to which it would be perpetually exposed in the ordinary and daily process of their collections by applications to the Courts of Justice from litigious and insolvent debtors of Government.

Of the other alterations and additions which have been introduced by the Chief Justice into the plan as it now stands we think sufficient to declare that they have our entire approbation, being calculated, as far as we are able to judge, to promote the ease of the people and the benefits of society, to render the process of the courts effective of the ends of their institution, and to free it from unnecessary expense, trouble, and vexation.

In thus delivering our opinion of the probable effects of the regulations laid down in the Bill we presume not to look beyond the line prescribed by our own local knowledge. It will rest with you, Hon'ble Sirs, to consider in what manner they may effect your general interests; and those to whose professional knowledge of the principles and forms of law it may be thought proper to trust the revisal of them, to decide on their propriety or expediency in other respects.

However, it may be your desire to govern the people of this country by the fixed rules of law and justice, we dare venture to pronounce that it will be impossible to effect this by any system, however judicious, which shall have the sanction of sovereign authority; especially with courts which are to exercise a concurrent jurisdiction with the high powers granted by Parliament to the Supreme Court of Judicature.

We have already had some experience of the courts which were established in the year 1772. These, though imperfect for the reason above assigned, have been conveniently approved by the inhabitants of these provinces; and with the improvements proposed by this Act, by giving them a legal sanction, and placing them under the controul and instruction of the Judges of the Supreme Court, we have every reason to promise ourselves that they will prove in aid of that Court an effectual security to private property, and eventually the instruments of adding both to the population and revenue of the country. For while the farmer depends on the arbitrary will of Government, a large portion of the rents will be unavoidably sunk in the intermediate channels, before it can find its way to the public treasury, which would not be the case, at least not in so great a degree, if his engagements were secured by legal protection, and he could be sure of immediate redress against the attempts of undue influence, or the chicanery of office. And if the ryot is guarded from the extortions of the lower agents of the collections, when the experience of a few years shall have confirmed the public confidence that their pottahs will prove the full measure of their rents, it is our belief that such an encouragement will draw multitudes of new inhabitants into Bengal, who may hope to enjoy a state of tranquility unknown in any other Government in India.

We shall not offer any opinion concerning the constitution of your present Government in these provinces. Many reasons at this time forbid it. Although we conceive it to be of essential importance in the formation of a complete system of judicial controul, that the power which is to protect and give vigor to its operations, should be as free as it can be rendered from imperfection—a sense of duty required us by this brief intimation to bring before your notice,

a subject so apparently connected with the object of our present address, and to leave the prosecution of it to your superior wisdom.

We have the honor to be, with the greatest respect,

Hon'ble Sirs,

Your most obedient and faithful humble servants,

WARREN HASTINGS,

RICHARD BARWELL.

P. S.—Since closing the above the Governor-General has received a letter from Mr. Justice Chambers, relative to the proposed Bill, which, with his consent, we take the liberty to enclose.

WARREN HASTINGS.

RICHARD BARWELL.

Copy of a letter from the Chief Justice to the Governor-General.

Dear Sir,—I now send you the last sheets of the scheme for an Act of Parliament drawn up on the plan you communicated to me, as agreed upon by you and Mr. Barwell. You will see I have taken the liberty to depart from it, according to the permission given me in some instances, and have added some clauses which entirely relate to the Supreme Court. Inconveniences which we have already experienced suggested them to me; if either of you think there is anything in those not suited to the present situation either of the Company's affairs, or the country, strike them out and do not embarrass your scheme with them; deal in like manner with the alterations I have made in the original plan; either the alterations themselves or the conversations I have had with you at different times will make the reasons for them obvious. I have so pruned down one part of the plan, which though conformable to the ideas of the Governments that have prevailed in this country and absolutely necessary where the Mahomedan religion dictates the law, which without it could not repress the most atrocious crimes, is so contrary to the genius of the English Laws, and the jealousy of the people that it will, I fear, even in its present situation, be ill-received by a British Legislature.

What I mean is the power which the Nizam formerly possessed, and is now transferred to the Governor-General and Chief Justice, of altering a sentence. It can now only, as it now stands, be aggravated to a capital punishment in such cases as would be capital in England, or by the laws of this country, for the power is only given in cases capital by the laws of this country, or which are declared so by the Sudder Dewanny Adaulut; and that Court is prohibited from making any offence capital but such as would be so in England. I believe adultery is almost the only crime capital by the laws of this country, which would be so in England. I could have rather wished that the Judge should have pronounced a certain unalterable sentence, but would not take on me to propose so material an alteration. But you are so much better instructed than I am in the manner of thinking of the people, and what power it is safe to trust to the black Judges without controul. My small experience has already shown me the natives should not much be confided in.

I have in all instances made the power of appointment reside in the Governor-General and Council (where in my opinion all patronage ought to remain) except in cases of the Coroner and Superintendent of the Police, and the Cutwals, which I have placed in the Sudder Dewanny Adawlut; the Coroner would perhaps be full as properly made an officer of the Supreme Court,

as he should be conversant with the English Laws, and must be amenable to the Court, I thought the Judges of that Court ought to have a share in his appointment; the others are officers of the police, and the 13th of George III gives the Supreme Court a negative in all matters of police. I therefore thought it more conformable to the intention of the Legislature that the Court composed of both bodies, that which was empowered to make laws of Police, and that which had a power approving or disapproving, should appoint officers concerned in it.

I have made all salaries, fees, &c., reviseable by His Majesty in his Privy Council. Those which are not fixed by Act of Parliament are made subject to such review either by the 13th of George the II or the King's Charter. I did not make them revisable by the Court of Directors, because I apprehended the Legislature would hardly pass an Act which it might be in the power of the Company to defeat; which by appointing too small salaries the Company might do if it was finally left to them, a case which I am sure would never happen; but as it was a possible objection, and what I thought Parliamentary, I did do what I would otherwise have submitted to them. I am very far from wishing to see any Act pass, which both the nation and the Company may not think conducive to their interests.

The having declared the sovereignty in the King naturally suggests the idea of the final appeal being to His Majesty in Council. The very great inconveniences which you have mentioned to me, which must unavoidably follow, if all matters of disputed property were to wait for final decisions in England, prevented me from inserting a clause to that purpose; and I hope the sagacity of the King's officers, and of the English Parliament, will foresee them sufficiently to prevent any such clause being added in England.

I need not make any apology to you and Mr. Barwell for inaccuracies, repetitions, and want of properly digesting the matter, as you know that my indisposition prevented me from attending to anything till the ship was actually under dispatch, and that I was prevented from revising it, or comparing the parts, by being obliged from hurry to send away each sheet, as I finished it, to be copied. There will therefore be necessarily many sections, which might have been added to several matters together, repeated distinctly and separately to each; and as the whole was reduced to writing as it now stands for the first time, it is in nature of memorandums which suggested themselves as I went on, and many clauses may and must be misplaced. I fear the sanctions, restrictions, limitations, and provisions, &c., which are meant to be the same, are not in many places in the same words, which they ought literally to be, to prevent any argument of construction that the variation of expression would not be, if there was no intent to vary the substance.

On the whole you will find it to be far from complete. Nothing but your great desire that it should go to England by this ship, to shew the solicitude which I know you feel that the country may be properly settled as speedily as possible, and my being likewise anxious on the same subject, could have prevailed on me to deliver it out of my hands in the state it is now in.

It is in some form, though not in the proper form, I hope sufficient to shew the practicability of the plan in Europe. I know how much people shrink back, especially lawyers, and indeed more especially some friends of mine in that line, to which this, if approved of, will most certainly be submitted, when they see a great quantity of loose materials which they are to form into a fabrick; when this fabrick has some shape they will attempt perhaps to mend it. It was repeatedly said to me on a late occasion in England, when I suggested any idea to one of His Majesty's principal Law servants, and a particular friend, reduce it into form in writing. Suggesting ideas frequently embarrass though they strike the mind, but are often difficult to reduce to form. Many a man has new-modeled an inconvenient ill-constructed house, who would not have meddled with brick and mortar in its original state. They are tempted to it: I hope this rude fabrick will tempt some able hand to new-model it, though perhaps he may find, as is often the case of those who patch up a house already built, that in the end there would have been less trouble and expense if they had pulled it down to the foundation and had built a new one.

After you have gone over them judge *coolly* whether it is not too inaccurate to be sent to England. I have been very severe you will see against taking more from the ryot than is reserved in his pottah, and have made the record of judgment in another court evidence against them on a prosecution. This severity proceeds from your state of the consequence and universality of the offence; the making the record evidence from the difficulty of trying a matter of account, and especially an account kept in foreign language; and the inconveniences it will be to the Company to have their Revenue Officers perpetually called to Calcutta to prove the accounts. But if I proceed to explain my reasons my letter will be more voluminous than the Bill itself.

If you do transmit it to England, you will do me justice, either not to mention the drawer, or, if you do, the time which was allowed for it, the manner in which it was done, the state of health he was in, and his total want of assistance from the necessary avocations of the other Judges.

I am, &c.,

E. IMPEY.

FORT WILLIAM,
The 28th March 1776.

P. S.—I shall rely much on Mr. Barwell's opinion, whether it is in a proper state to be sent to England.

We have read the draught of a Bill entitled a Bill for the better Government of the kingdoms or provinces and countries under the Government and Control of the Governor-General and Council of Fort William in Bengal, and for the administration of justice therein, and in general think the regulations thereby proposed are wise and just in themselves, and will probably in their effects contribute to the honor and advantage of Great Britain, as well as to the safety and happiness of the native and European inhabitants of these provinces.

The length of the proposed law, the great number of provisions which it comprises, and the approaching departure of the packet for Europe, render it impossible for us to give a decisive opinion on every part, but the consideration which we have given to it enable us to say that we all approve greatly the general scope and tendency of the Bill.

R. CHAMBERS.

S. C. LEMAISTRE.

J. HYDE.

FORT WILLIAM,
The 30th March 1776.

(Sunday morning.)

DEAR SIR,—Lest in the hurry of concluding your letters it should happen to be omitted, I take the liberty to remind you that from the general approbation given last night of the Bill which you are about to transmit to the Court of Directors, I thought myself obliged to make a particular objection against the establishment of a full and absolute Provincial Legislature, without any negative power of rejection, vested in the Chief Magistrate, and I now repeat my request that in every letter which mentions the approbation this exception may also be mentioned.

My brother, LeMaistre, and my brother, Hyde, were not willing that in our written opinion any notice should be taken of this objection, because they had

not for want of time given so much attention to the point, as to have formed a judgment upon it; but as I had considered this particular question some time ago, and have frequently resolved it in my mind since, and as the subject appears to me too important to be passed over in silence, I wish to have it understood that I cannot approve of the proposed Legislative establishment unless a power of refusing be given to the Governor-General.

I have the honor to be, with the highest respect,

Dear Sir, &c.,

ROBERT CHAMBERS.

To

The Governor-General.

Ordered that the Bill be entered after the Consultation.

General Clavering, Colonel Monson, and Mr. Francis also deliver in their joint address to the Court of Directors, dated Fort William, the 21st March 1776.

Whether the facts and arguments already before the Hon'ble Court of Directors be or be not sufficient to establish the truth of our representations of the total misgovernment of Bengal under Mr. Hastings' Administration, we submit to judgment—

(1) We think it appears that in his system of foreign policy he has professed an utter disregard of the faith of treaties, the principles of public justice, and the fundamental orders of the Company for the defence and security of Bengal.

(2) That the first object of his internal policy has been to dissolve the country Government, of which he had been the most zealous advocate in the time of Cossim Ally, without however attempting to substitute any other in the room of it, except an irregular desultory exertion of a power without right, operating under the form of Edicts of the Council, but in effect vested in his own person.

(3) That the professed object of his domestic economy has been to raise the greatest possible revenue from the country; that in order to compass it he has universally ousted the hereditary proprietors of the soil; that at a season of general calamity and distress he raised the nominal jumma of the provinces higher than it ever stood before, and set the lands up to public auction, in consequence of which a considerable portion of them has fallen into the hands of Calcutta Banyans, Europeans, and their dependants; that he has revived one great monopoly in contradiction to the express and repeated orders of the Company, and created another; that he has taken these several measures without accomplishing his pretended purpose, and, as we firmly believe, merely to keep up appearances at home without an expectation of success.

(4) That he has subverted the ancient establishments formed for preserving the peace of the country, the security of individuals, and their property, and the general administration of justice; that his Civil Courts have sunk under a weight of business which they were not calculated to perform; and that his Criminal Courts and Foujdary officers have either done nothing, or added to the oppression of the people. Hundreds of causes lie undecided in all the Dewanny Adauluts, and the country is overrun with decoits, who even at this moment are daring enough to penetrate into Calcutta and the neighbouring villages. For some time after our arrival hardly a night passed in which robberies or murders were not committed in the heart of Muxadavad. These are facts of public notoriety here, to which Mr. Hastings, availing himself of the distance of Bengal from England, and of the doubt and obscurity which that circumstance enables him to throw on the plainest truths, will oppose a flat denial.

(5) That in a period not exceeding seventeen months he introduced two changes in the mode of collecting the revenues; first, by the appointment of Collectors, secondly, of Provincial Councils, from which last system he thought it advisable to depart in one considerable instance, in order to accommodate Mr. James Barton with a separate Collectorship. So sudden and partial a variation from system can only be explained by the impression which the Act of Parliament must have given him of the necessity of an immediate union with Mr. Barwell.

(6) His application of the ordinary and extraordinary resources, of which he might have availed himself, is not yet accounted for. It appears beyond dispute that the bonded debt was greater, and the cash in the several treasuries less, less on the day of our arrival than on that of his accession to the Government, and that although during a considerable part of the interval the pay of one brigade was supposed to be saved by the boasted subsidy from Shuja Dowla; and, notwithstanding all his pretended retrenchments in this line, the Company's military expence was greater during his Administration than in any equal period preceding it.

Vide our Minute No. 2 of 20th January 1776.

This state of his public measures is sufficient to determine his real merits and character in a public view, without making him answerable for the misconduct of persons in office under him, or for abuses not immediately committed by himself.

Connivance and permission at least appear to be admitted by his own confession. Whether such a *sacrifice* was more necessary *to the constitution of the late Government* than to his own safety may be a question among men who are unacquainted with the real state of this Government.

Some of the facts with which he has been personally charged have been proved. The presumptive evidence in support of the rest will, we apprehend, lose none of its weight by the precipitate removal of Maharajah Nundcomar.

We shall make no reply to the Governor-General's last voluminous minutes by the *Hilsborough*. The merits of the various questions between him and us are before the Court of Directors, though not with that complete evidence in every instance which perhaps may be produced hereafter. At all events, we deem it unworthy of us to continue a controversy which the Governor-General has reduced to a mere verbal altercation. We are content to leave him in possession of the argument, and of every advantage which our silence and moderation may give him over us.

As we have repeatedly declared our deliberate opinion that the unlimited jurisdiction which the Judges have thought fit to assume and exercise over the natives of this country is not warranted by the letter or spirit of the Act of Parliament, and that under the operation of the British Laws, or of any form of justice administered by the Judges of His Majesty's Supreme Court of Judicature, Bengal, cannot be held by Great Britain, we might content ourselves with adhering to this general declaration, and abstain from any particular remarks on the plan recommended by the Governor-General and Mr. Barwell, in their letter to the Court of Directors of the 18th January, since the declared purpose of it is *to give the Supreme Court of Judicature a complete and effectual controul over every part of the country.*

We apprehend that although the distribution of justice to the subject is equally essential in all countries, and equally the object of all regular Governments, the several modes by which that end should be obtained must be accommodated to the manners, religion, and prejudices of the people, and principally to the constitution of each respective Government. If it became us to hazard an opinion opposed in some degree to the sense of the Legislature, but partly drawn, however, from the experience of facts not then before Parliament, we might question the policy of giving a Court of Judicature and a form of jurisdiction to a country which properly had no constitution. In the gradual formation of every great political society the constitution or general principle on which the several parts of it may agree, or be compelled to act together, seems the first point to be determined. The general spirit of the

Laws, must correspond with this constitution since it is their first object to preserve it. The mode of administering justice comes next in gradation, and must have an inseparable relation to the principles of the Government, as well as to the spirit of the Laws; under an arbitrary Government the subject will enjoy the advantage of a brief and simple Code, and of a summary administration. A free people must accept of a more refined and complicated system of jurisprudence, with slow and intricate proceedings in return for the security of their persons and property, and the ultimate certainty of justice. The same mode of reasoning will apply with equal truth to every intermediate form of Government between perfect civil fredom and absolute slavery, according to the proportions in which they partake of either.

Before the establishment of any particular institution for the internal government of Bengal, we think it should have been previously determined on what general principle so great a dominion should be held by Great Britain. This fundamental question not having been decided, the objection to the establishment of the Supreme Court of Judicature can only be answered by supposing that Parliament never meant to allow them a general jurisdiction over the Natives; and in this sense we for ourselves understand the intention of the Legislature, though we will no longer oppose the sentiments of unlearned individuals to the authority of the Judges. Convinced that the general ground we have taken is strong and defensible, we deem it unnecessary for us to examine minutely the internal defects or merits of a plan, the main purpose of which seems unwise and unattainable. Neither perhaps would it be safe for us to enter into a legal argument against the learning of the Chief Justice, which we see has been called in aid by Mr. Hastings, and strenuously exerted in his service. With so great a superiority of skill against us we might undoubtedly be defeated in detail, and hazard the cause of plain truth and reason by attempting to defend it with unequal arms. We shall therefore confine ourselves to a few cursory objections which occur to us on the face of the plan, without admitting that any answer to them, however complete, will establish the general expediency of the measure.

The Governor and Mr. Barwell, in their introductory letter, declare they "are fully sensible of the effects to which the powers of the Court might be liable from their present constitution, were they committed to Judges of less moderation and caution than those whom the wisdom of the Legislature hath chosen for the first exercise of them." The Judges are immediately appointed by the Crown; but without questioning the wisdom of the Legislature either in their choice of men or measures, it seems to us as full as probable that a law may be perverted by an unfaithful interpretation, whether to extend the jurisdiction of the court or to serve any other *interests*, as that the moderation and caution of the Judges should be employed in correcting the errors of such a law, and in limiting the powers which they might assume and exercise under it.

2nd.—The state of the country courts established by Mr. Hastings is said to be *undefined*, yet the present plan proposes to revert to and confirm them without any new definition.

We know not on what ground it is asserted *that these courts subsist without any legal authority*, since the Act of Parliament in this respect makes no alteration in the actual administration of justice to the inhabitants of the Provinces; but if a doctrine which denies the legality of the present courts should once appear abroad under the avowed authority of the Governor-General, another Member of the Council, and the Chief Justice, we fear it will no longer depend on the discretion of this Government to inforce the execution of their decrees, to protect the persons who preside in them from prosecutions, or to save the country from universal anarchy and confusion.

3rd.—It is proposed to give the Supreme Court a *complete control over every part of the country*, and this measure is supposed to be *the more necessary from the alarming contests, which have already arisen between this Government and the Supreme Court, concerning the extension of its authority.* The complaint is that they have assumed more than they have a right to; the redress

proposed is to set no limits to their power. We admit that *the first purpose of their institution was to relieve the inhabitants from oppression.* That oppression could only be practised by Europeans, and their Banyans, who are unquestionably subject to the jurisdiction of the Court. To disperse writs, bailiffs, and attornies through every part of the country will, we believe, tend but little to the relief of the inhabitants.

5. It is said that *the distinctions of Nizamut and Adaulut should be abolished, and that the British sovereignty should be all in all.* It is not difficult to account for the affected obscurity of the words *British Sovereignty*, which can only mean a declaration of His Majesty's sovereignty over Bengal, since the British sovereignty can no way be represented but in His Majesty's person.

Supposing us not to have mistaken the sense of the proposition, we think there is a manifest contradiction in this part of the plan. The distinctions of the Nizamut are to be abolished, yet the Nizamut and Foujdarry Adaulats are to be constituted *precisely on the mode and form established in August 1772.* The Naib Nazim is to be empowered to confirm, mitigate, or change the punishment decreed, and the *sentences are to be executed under the seal of the Nazim.* This Magistrate therefore is supposed to exist after his office (the Nizamut) is abolished; and he is still supposed to be the fountain of *criminal* justice, at least after the King's sovereignty is declared and made all in all. How it can be administered in the name of any person but that of the Sovereign remains to be explained.

6. It is said that the *only* use of the Nizamut was to appear the ruling power of these provinces in any contests with the French or Dutch, yet the present plan proposes to continue the Nazim for another use which forms an important branch of the executive power.

7. If it be true that "for the dependants of the Nizamut and Agents of the Dewanny to be accountable only to the Nazim or his ostensible Minister, or to the Governor-General and Council, is the *same in effect*, as being exempted from the claims of justice," it only proves that Mr. Hastings' boasted plans for the administration of justice, which undoubtedly comprehend all ranks of the natives, must have been very defective or ill-executed. It is not for us to dispute the fact if he himself thinks proper to allow it; but it does not follow that the country courts may not be established on a wiser system and justice effectually administered by them. Our wish is to revert, as nearly as possible, to the ancient institutions of the country, which, however perverted by the occasional violence of an arbitrary Government, or corrupted by abuses, will, we believe, be found judicious in themselves and better accommodated to the genius of the people than any system forcibly introduced from the other side of the globe.

8. The first or superior court to be composed of the Governor-General and Council, and of the Chief Justice and Judges, supposes the executive to assume the office of the judicial power; and this court, which is of appeal in the last resort, *may receive fresh exhibits and examine new witnesses.* In both instances, in the constitution and practice of the court, we see a direct violation of the first principles of English Jurisprudence, without the plea of adhering to the institutions of the country. The examination of new witnesses is liable to this farther objection, that, being discretional, it is open to interest and partiality. If admitted in all or many cases the court would soon sink under the weight of business, or be compelled to relinquish it.

9. The Provincial Councils (which are properly no more than collectors of the revenue, selected from the Company's servants, and very injudiciously in our opinion distributed into Councils) are to form the second court, with original jurisdiction and with power to receive appeals from the two inferior courts. By the plan of this court the Collectors are to be Judges of all revenue causes between the Company and the inhabitants, and their decrees are final in all causes of personal property not exceeding one thousand rupees value or of landed property not exceeding one thousand rupees annual rent. We doubt, in the first place, whether the Councils are equal to so heavy a task,

in addition to the business of the collections; and secondly, supposing oppression to exist we know not how it can be relieved by a plan, which throws a great increase of power into the hands of the Collectors.

10. The Governor-General and Council and the Judges are to frame laws for the Government of the country, that is, the legislative power is to be lodged in the same hands with the judicial, in order that the Judge may execute his own laws. We see to whose personal benefit this part of the plan is directed, and shall leave it with no further observation, but that the Act of Parliament, by assigning the formation of rules and ordinances to the Council, and the execution to the Judges, with the power of refusing their assent to such as might be repugnant to the Laws of England, had endeavored to separate the powers which are now proposed to be united.

11. It is proposed that all the "forms and rules now in use in the collection and management of the revenues shall be valid and legal until repealed by the Supreme Court."

Do the Governor-General and Mr. Barwell mean to affirm that at present those forms and laws under which we have hitherto acted *are not* valid and legal, or where is the prudence or even decency of bringing their validity into question?

Upon the whole, the plan seems to us to carry, upon the face of it, a concerted endeavor to unite the operation of Mr. Hastings' courts with that of the Supreme Court, that is to consolidate two institutions, formed without the least reference to each other, or any previous communication between the persons by whom they were respectively contrived. The accidential concurrence of two such systems would be fortunate indeed, if not miraculous. There might be a simpler and easier way of accounting for this projected union if we were at liberty to suppose a compromise between the Governor-General and the Chief Justice, by which one party should save the establishment of his Provincial Councils, and of his Dewanny and Foujdarry Courts, and the other would gain an unlimited authority over them and over the country.

J. CLAVERING.
G. MONSON.
P. FRANCIS.

Secret Dept., Fort William, the 21st June 1776.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
THE HON'BLE GEORGE MONSON.
RICHARD BARWELL, ESQUIRE.
PHILIP FRANCIS, ESQUIRE.

Read and approved the Proceedings of the 20th instant.

The Clerk of the Crown attending from the Supreme Court of Judicature and being admitted acquaints the Board that he waits on it in consequence of the direction of the Court to inform it that all writs of Habeas Corpus, in which the Court shall think the Company concerned, are in future to be made known to the Board before they issue from his office; he therefore delivers in the following paper:—

One writ of Habeas Corpus directed to Reza Cooley Cawn to bring up the body of Hodgee Abud Alla returnable immediately before the Court.

One writ of Habeas Corpus directed to Sardar Sing to bring up the body of the said Hodgee Abud Alla returnable immediately before the Court.

The above writs are to issue out of my office this day.

By order of the Court,

JAMES PRITCHARD,
Clerk of the Crown.

24th June 1776.

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Mr. Pritchard is requested to inform the Board whether he received the Court's order for the notification now made to the Board before or since the issue of the two writs of Habeas Corpus above mentioned.

Answer.—The writs are not yet issued.

Mr. Pritchard being desired to acquaint the Board precisely with the terms of the message delivered from the Court replies that the orders of the Court were—"That the Court would always give order to the Clerk to inform the Board whenever a writ of Habeas Corpus was directed to issue in which the Court should think the Company interested, and that he was desired to acquaint the Board with the two which were ordered to-day." Mr. Pritchard withdraws. Mr. Francis moves that the following answer be returned to the Supreme Court:—"That the Governor-General and Council have a due sense of the attention shewn by the Judges of the Supreme Court to the interests of the Company by the communication made to the Board in their name by the Clerk of the Crown; that the two writs of Habeas Corpus, which the Board is informed are to issue this day for bringing up the body of Hodgee Abud Alla, appear to them to be directed to certain officers or Magistrate, of the Foujdarry Courts, instituted under the authority of the Nazim of these provinces, for the administration of criminal justice to the natives; that as the affidavits on which they were granted have not been communicated to the Board, they cannot judge how far the Company may be interested in the issue of such writs, but they apprehend that the internal peace and good order of the country may be very much affected thereby.

Mr. Barwell.—I approve of the motion as far as the words in their name by the Clerk of the Crown and object to the other parts of it, as I think them foreign to the subject of the message and conveying an oblique reflection on the Court as if their communications were not so full as the necessity of the circumstances required.

Mr. Francis.—I beg leave to declare that I have no intention to throw any reflection on the message sent us by the Judges but merely to guard myself against the appearance of acquiescing in the controlling power which appears to be assumed by the Supreme Court over the criminal administration of justice to the natives of this country.

Colonel Monson.—I approve of the message proposed by Mr. Francis and do not conceive that it casts the least reflection on the Judges of the Court; if in my opinion, it had such a tendency I should object to it. The Judges are pleased to inform us the Company's interest is concerned in the issue of these writs. We cannot judge of that unless we were acquainted with the affidavits that have been made; the writs appear to me to be directed to persons who are not within the jurisdiction of the Court. Reza Cooley Cawn, I understand, lives at Chitpore, and I do not know of his receiving any salary from the Company, nor in what manner he is subject to the Court. If the affidavits had been communicated to us, we might then have been able to have formed some judgment how far the Company's interest is concerned; at present it appears to me that they have no interest in this transaction, and I am only concerned that the writs are ordered to be issued, as it may be a means of disturbing the peace of the country.

General Clavering.—I approve of the message in its whole extent because I do not think that the information conveyed in it is disrespectful to the Judges, and because the intention of it is to preserve the peace of the country, in which they, as well as we, are equally interested. The persons against whom the writs are issued are neither appointed nor receive any salary from the Company, nor do they reside, as I understand, within the town of Calcutta. I cannot therefore understand how a writ of Habeas Corpus, issued in the name of the King of Great Britain, can legally be directed to persons not described by the Act of Parliament, and consequently not under the jurisdiction of the Court. Whether our sentiments on this proceeding may have any effect on the Judges, or not, it is highly proper in the Governor-General and Council to declare their opinion unreservedly to them, leaving it with them to answer for the consequences.

THE GOVERNOR-GENERAL—The Court are entitled to the complimentary return of thanks, both for their politeness to the Board and their attention to the interests of the Company, and so far, I approve of the motion made by Mr. Francis. The rest of the motion I do not approve of, not knowing of any legal authority which this Government possesses to pass any judgment on the acts of the Supreme Court of Judicature, and conceiving the tenor of the message proposed to be diametrically opposite to the proposed separation of the interests and powers of the Nizamut and of the Company. If the issuing of a writ of Habeas Corpus to a subject of the Nizamut be an encroachment on the authority of the Nazim, this Government has no right or plea to interfere, unless the Nazim should formally require its interposition, and even in that case I doubt whether it could take any direct step in it with legal propriety. Although the criminal jurisdiction of this country has been ostensibly vested, or declared to remain vested, in the Nabob, yet I can never divest myself of the idea that the Government of this country virtually and truly rests in the Company alone, and for that reason I am pleased with the resolution, which has been adopted by the Supreme Court, to communicate to this Board all applications for writs of Habeas Corpus which they think may any way affect the interests of the Company before they are issued. The Court cannot know with certainty what acts of theirs may or may not affect the interests of the Company. I shall therefore, for my own part, receive with thankfulness any communication of this kind from them, whether it may produce the effect intended by them or not, because they can do no harm. They may do good in the instance now before us. On the first intimation of the application made for a writ of Habeas Corpus, I was glad of the occasion, and made use of it, to advise Reza Cooley Cawn to plead to the jurisdiction of the Court, and to take the advice of Counsel for the means of prosecuting his plea. Without an intimation of that kind he might have offended against some legal form, or have refused obedience to the writ, and thereby drawn on himself, and on his master's authority, consequences which would have been matter of regret to this Board; and in every other instance in which a competition may possibly arise between the Supreme Court and the different powers of Government, it would be of the most essential service could the Board be previously informed of the orders intended to be issued by the Court, that they might concert the proper and effectual means within the bound permitted to them by the law to obviate or alleviate the effects. I do hope and believe that the issue of this suit will prove a confirmation of the authority of the criminal judicature, and am therefore glad that an instance has occurred which may bring it to a trial, and remove the distrust, under which its Judges and officers exercise their respective functions while their authority is liable to be disputed.

Agreed to the answer proposed by Mr. Francis.

Received the following letter from Mr. Fowke:—

HON'BLE SIR & SIRS,—I am honored with the receipt of your commands of the 30th May, and have informed the Raja of the indulgence you have been pleased to shew him in excusing the execution of the mutchulka. Upon perusal of the new sunnuds and pottah the Rajah remarked that his tribute was therein directed to be paid according to the caboulyet and muchulka, and humbly hoped that as your Hon'ble Board had been pleased to indulge him by remitting the execution of the muchulka, the insertion of that article might likewise be omitted in the sunnud and pottah. The paper transmitted to me by Mr. Auriol under date 26th April, entitled caboulyet and muchulka, is in no other respect a muchulka or penalty bond except in the single clause with respect to the penalty upon the Rajah's failure of the punctual payment of his bills in Calcutta at fifty-one days after date, and is in every other respect a caboulyet or simple agreement. Being induced to conclude from the tenor of your commands that the above instrument has been erroneously understood to be a muchulka, of which the article of the penalty upon failure of punctual payment was a part only, and conceiving the clearest precision to be requisite in public deeds, I have thought it my duty to comply with the Rajah's request and wait your further orders upon this subject.

The Rajah begs leave to express his grateful sense of the indulgence which has been shewn him, and promises the strictest punctuality in the payment of his bills.

BENARES,
The 13th June 1776.

I have the honor, &c.,
F. FOWKE.

Resolved that the following letter be written to MR FOWKE:—

SIR,—We have received your address of the 13th instant acquainting us of Rajah Chait Singh's desire to have the word muchulka omitted in his sunnud and pottah.

As we have not insisted on the insertion of the clause respecting the penalty in the agreement of the Raja, the instrument which is to be executed by him cannot now be called a muchulka. We therefore authorize you to erase this word where it has been mentioned in the sunnud and pottah transmitted you, as well as in the title of the caboulyet which you are to obtain from him.

We are, &c.,

Government of India Central Printing Office—No 479 F. D.—9-3-89—500.

Proceedings of the Secret Select Committee from 1st July to 30th September 1776.

Secret Dept. Fort William, the 22nd July 1776.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

PHILIP FRANCIS, ESQ.

COLONEL MONSON AND MR. BARWELL, *indisposed.*

Read and approved the proceedings of the 15th instant.

Received the following letter from MR. BRISTOW:—

FROM MR. BRISTOW.

HON'BLE SIR AND SIRS,—Agreeable to the instructions of the Hon'ble Board I wrote to the Begum endeavouring to persuade her to the payment of the balance still due to His Excellency the Vizier conformable to Treaty. The Begum's answer thereto being wrote in an evasive stile, I am preparing to proceed to Fyzabad to procure an interview with her, when I shall use my utmost endeavors, to obtain her consent to the immediate payment of the moneys due, and to the settling finally the value of the goods which have been delivered to His Excellency, or he may have possessed himself of, by reputable Aumins appointed for that purpose. As I can only use persuasives with the Begum in this matter, should I find these of no effect, I shall, without protracting a useless negotiation, agreeable to the Board's instruction, decline any further interference.

I have long been using my endeavors to persuade the Vizier to accommodate matters finally with the Mahrattas. They have been in a state of warfare with each other ever since the season before Sujah Dowlah invaded the Rohilla country. At that period the late Vizier attached and possessed himself of Etawa and the Dowaub. Last year the Gossayne on the part of the Vizier possessed himself of certain districts on the other side the Jumna as far as Jhansee. This country, when I was at Etawa, the Vizier (then alarmed on all sides) seemed willing to give up, and to confine his territories to this side of the Jumna, but the rainy season and the dispersion of Mahboob's troops having afforded a truce to his fears, his ambition begins now to urge him to very different views. His Excellency at present, far from being ready to give up his acquisitions across the river, talks of possessing himself of all the country on that side as far as the Buttawa Nuddee; nay, sometimes of extending his conquests considerably farther that way. As these views appear to me wild, and in the highest degree incompatible with the real interest of the Vizier, I have endeavored to dissuade him from them, and shall continue so to do till I am favored with the further instructions of the Hon'ble Board on this head. The country the Gossayne possessed himself of, is rugged, difficult of access and ill supplied with water. As the Vizier has now no troops there, he will have every inch of ground to dispute with the Mahrattas, and must, if successful, maintain such a large and expensive force there as will make his acquisition of no real value to, but on the contrary, a heavy load and incumbrance on him. It will moreover be a source of continual contention with the Mahrattas, as nothing but an inability to resist can ever induce them to give up that country. The Jumna is a most natural and defensible boundary to the Vizier's territories, and I flatter myself, should it be finally settled as such, the Mahrattas would, on that condition, consent to a peace with the Vizier without harbouring any intention of breaking it, on the first favorable opportunity, which I am persuaded would be the case were it possible to prevail on them to give up at present any of the districts across the Jumna.

Maharaja Persotum Pundit is now at this Court, having been sent by the Peishwa to negotiate a peace with His Excellency. His demands comprehend

the cession of the Dowaub to the Mahrattas, but it is so much the custom in this country in all negotiations to make extravagant demands that they may recede with an appearance of unwillingness to the point they will stop at and secure thereby their not being obliged to retreat, further that I am persuaded this is only one of those *finesses*, and that a peace may soon be obtained on the condition of the Vizier's giving up only his late conquest on the other side the Jumna.

I have done myself the honour to enclose to the Governor-General this day a letter from the Peishwa, and another from Maharaja Persotum on the above subjects.

I am,
HON'BLE SIR AND SIRS,
With the greatest respect, &c.,
JOHN BRISTOW.
Resident at the Vizier's Court.

LUCKNOW,
The 7th July 1776.

Resolved that the following reply be sent to MR. BRISTOW :—

To MR. BRISTOW.

SIR,—We have received your letter of the 7th instant.

You inform us that you are preparing to proceed to Fyzabad to procure an interview with the Begum to persuade her to the payment of the balance due to the Nabob.

By going to Fyzabad to visit the Begum you have exceeded our intentions, however, as we suppose that step is now taken, we can only express our hopes, that your conference with her was conducted in terms of amity and respect to her. If your proposal to the Begum for liquidating her accounts with the Nabob should not have succeeded, we direct you to desist from any further applications to her on that account.

We very much approve the advice which you have given to the Nabob respecting his situation with the Mahrattas, and earnestly wish that you may be able to prevail on him to confine all his views to the territories, which he possesses, on the north-east side of the Jumna, their natural boundary; but we cannot speak more decisively on this subject, not knowing the present state or disposition of his conquered countries, which lie on south-west of that river.

In a former letter from you dated in last April you mentioned a negotiation which was then on foot for giving these possessions in charge to the Rana of Goad, and on terms which appeared to us both advantageous, and likely to free the Nabob entirely from the hazard and expence of maintaining them. This mode of disposal we should think the most eligible, if it could be accomplished, but at all events we concur entirely with you in disapproving of every distant military undertaking to which the present state of the Vizier's affairs is very ill-suited, not only on this account, but because we think them impolitic under any circumstances, at the internal regulation of the Nabob's present dominions comprehending altogether a compact and defensible State is sufficient to engage his unremitted attention, and ought ever to be the first grand object of his care.

We are, &c.

FORT WILLIAM,
The 22nd July 1776.

Secret Dept. Fort William, the 29th July 1776.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

THE HON'BLE JOHN MONSON, *indisposed.*

Read and approved the proceedings of the 24th instant.

FROM MR. FOWKE.

HON'BLE SIR AND SIRS,—I am honoured with he receipt of your commands, dated 24th June, directing the erasement of the word "Muchulka" in the Sunnud and Pottah which accompanied Mr. Ausiol's letter of the 26th April. I have in consequence acquainted the Raja with your orders upon this subject, and have called upon him to receive the new Sunnud and Pottah and to execute his Caboolyet. He has declined the acceptance of the Sunnud and Pottah, for which he assigns these reasons, that any erasement in a Sunnud or public deed is totally unprecedented in the usages of this country; that the clause in the Sunnud by which the former Sunnuds are declared to be null is likewise contrary to custom and practice, and further that in the above clause the word "Sunnuds" being used in the plural numbers, the Coulnama which he received with the former Sunnud and Pottah is thereby likewise rendered void and of no effect. The Raja objects to the execution of the Caboolyet on account of the clause it contains by which the former Sunnuds are annulled. He declares himself ready to return the old Sunnud and Pottah on receipt of the new ones, and has requested that a representation of the above circumstances may be made to your Honorable Board.

I am,
With the greatest respect,
HON'BLE SIR AND SIRS,
Your most faithful, &c.,
FRANCIS FOWKE.

BENARES,
The 17th July 1776.

Ordered that the Secretary prepare a new Sunnud and Pottah, omitting the word "Muchulka" and the sentence declaring the former Sunnuds to be null, and that these be transmitted to Mr. Fowke with directions to receive back the temporary Pottah and grant which were first allowed him.

Read a second application from the Vakeel of Raja Chait Sing desiring to be allowed a Farruckuty, or annual receipt, or discharge in full for his revenue from the Board on his delivering up the monthly receipts of Mr. Fowke, and that his master agreeable to custommary be granted a Khelat on the beginning of the new year.

Agreed that a Farruckuty or release be accordingly granted to Raja Chait Sing, and that Mr. Fowke be directed to provide a Khelat to be presented to the Raja on the completion of his annual payments and the settlement of his Kistbundy for the ensuing year, he paying to the Company a nuzzerana equal to the value of the Khelat.

Resolved that the following letter be written to Mr. Fowke —

TO MR. FOWKE.

SIR,—We have received your letters of the 15th and 17th instant.

In compliance with the request of Raja Chait Sing, we have ordered the Sunnud and Pottah for his zemindary to be made out anew, with the omissions which he has solicited, and we shall retain these grants to be exchanged

for the Caboolyat to be executed on his part which his Vakeel has promised to obtain from him.

You will receive back from the Raja the temporary grants which you delivered to him on your arrival at Benares, and return them to us, or let him do it through his Vakeel. The Sunnud and Pottah formerly sent you by the Secretary you will also transmit to us.

We have taken into consideration a petition lately delivered to us by the Vakeel of Raja Cheyt Sing, praying that a Farruckutty, or annual discharge in full, may be granted to his master by the Board, and that agreeale to an old-established custom he may be allowed a Khelat on settling his Kistbundy for the new year.

The Farruckuty we shall deliver to the Vakeel on his rendering to us the monthly receipts which you have given for the preceding year; we direct that you provide a Khelat to be presented to the Raja on the completion of his annual payment for last year, and the settlement of his Kistbundy for the ensuing year, the Raja paying to the Company a nuzzerana equal to the cost of the Khelat; and we desire you will inform him that the continuance of this indulgence will depend on his own punctuality in compleating his payments and adhering faithfully to the other conditions on which he holds his zemindary.

We are, &c.

FORT WILLIAM,
The 29th July 1776.

Secret Dept. Fort William, the 12th August 1776.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
RICHARD BARWELL, ESQ.
PHILIP FRANCIS, ESQ.
COLONEL MONSON, *indisposed.*

Read and approved the proceedings of the 7th instant.

Received the following letter from MR. BRISTOW:—

HON'BLE SIR AND SIRS,—In consequence of the information I gave the Hon'ble Board I attended His Excellency from this place to obtain payment of the money due from the Begum and a final adjustment of her accounts. The Vizier claimed nine lacks sixty-three thousand nine hundred and sixty-three rupees, but the Begum admitted only three lacks sixty-six thousand six hundred and seventy-six rupees, seven annas and nine pie, the particulars of which are explained in the enclosed account (No. 1). Neither party would at first relinquish their claim, and I apprended a settlement would not have been effected, but His Excellency, after two or three interviews with the Begum, shewed a great inclination to come to an adjustment, upon almost any terms, and I, the day before yesterday, attended him to her palace when he agreed to take the specific sum of five lacks. He set off immediately after for Lucknow and left with me an acquittance of which the enclosed is a copy (No. 2). On the Vizier's departure the Begum objected to payment of the whole in money, and wanted me to accept three lacks in goods, which I declined and informed her if it was not perfectly agreeable to her to comply with the Vizier's draft, I should not urge her to it contrary to her inclinations; she afterwards gave up the point of the goods upon condition that she had time granted her to provide the money in; the periods she fixed were as follows:—

	R
In two days	1,00,000
In twelve days	1,00,000
In six montly kists at R 50,000 and kist	3,00,000
Owd Sicca Rupees	5,00,000

I said, I could not agree to these terms without the sanction of the Hon'ble Board, but offered to receive whatever sums she would pay me until their approbation should arrive. To afford the Hon'ble Board further information on this subject, I herewith do myself the pleasure to enclose the copy of the Begum's last letter to me (No. 3). Lieutenant Grant will stay at this place to receive the two first payments altogether amounting to two lacks of rupees.

The cloth was the only article in the account on which the Begum laid any great stress, but by her own confession it was much worm-eaten and damaged, so that by what I understood it could not be sold at a fifth at what it was valued. The Begum in her arguments principally urged the late Ministers having agreed to accept eleven lacks of the stipulated sum in goods—a circumstance I well remember, though not mentioned in the treaty, and under this pretence she offered all the cloths and plunder taken in the Rohilla campaign in part payment at a most exorbitant rate. I, for my part, have been very cautious in saying anything to induce either, the Vizier or Begum, to adopt my opinions in the settlement that has taken place, but to let them act entirely from themselves.

I have the honor to be, &c.,

LUCKNOW,
The 29th July 1776.

JOHN BRISTOW.

Resolved that the following letter be written to MR. BRISTOW :—

To MR. BRISTOW.

SIR,—We have received the letters you addressed to us on the 17th and 29th ultimo.

We consent to your accepting the offers which you acquaint us the Begum has made to you for the payment of the five lacks of rupees assigned by the Nabob to the Company, but with this express reservation that the Company's right to reclaim from the Nabob himself the amount of such part as she may refuse to discharge shall not be impaired thereby, and we strictly caution you to avoid interfering or becoming a party in any differences which may arise between the Nabob and his mother.

We are, &c.

FORT WILLIAM,
The 12th August 1776.

Secret Dept. Fort William, the 26th August 1776.

Monday. AT A COUNCIL, PRESENT :

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
LIEUTENANT-GENERAL JOHN CLAVERING.
RICHARD BARWELL, ESQ.
PHILIP FRANCIS, ESQ.
COLONEL MONSON, *indisposed.*

Read and approved the proceedings of the 19th instant.

Received the following letter from MR. BRISTOW :—

LUCKNOW, *the 10th August 1776.*

To

The HON'BLE WARREN HASTINGS, ESQ.,
Governor-General, and the Members of the Hon'ble Supreme Council
at Fort William.

HON'BLE SIR AND SIRS,—I have received the Hon'ble Board's letter of the 10th ultimo.

Since I was honored with instructions, on my first arrival, to obtain from the Vizier the release of the Rohilla families and establish a provision for their maintenance, I have never neglected an opportunity of urging these points, though I have always found the Vizier exceedingly averse to comply with my requisitions, the circumstances relative to which I shall state in the fullest manner.

On my concluding the Treaty, the Vizier and his Minister, the late Mocktar-ul-Dowlah, both assured me that the Hon'ble Board's request relative to the Rohilla families should be complied with. In a short time after, on my renewing my solicitations to the Minister, I always received a favorable answer, but could never bring him to any final determination; at last finding he purposed to evade the point by delays, I informed him that I should apply directly to the Vizier, to which he readily consented, and we fixed a day to wait on him in company, to speak on this business in particular, which we accordingly did, when I had the mortification to meet with a refusal to my request, and a positive contradiction to his ever having given me assurances in favor of the Rohilla families. Other persons, besides Mocktar-ul-Dowlah, who had been present at his making me these assurances, being luckily with His Excellency, I appealed to them for their evidences, which they all gave in my favor; he notwithstanding again contradicted what I had asserted with great heat and violence of temper, so that I was very much hurt at the style of his conversation. The next day Mocktar-ul-Dowlah came to me by his master's directions, to acknowledge his being in the wrong, and to inform me that he had given orders for the enlargement of the Rohilla families, which soon took place, when they were sent to Lucknow. Mocktar-ul-Dowlah at the same time told me that they had before that offered to give the Vizier a nuzzerana of four or five lacks of rupees for their enlargement only, to which if I consented, the Vizier would be well satisfied; he urged that by agreeing to this I should serve him (the Vizier) without detrimenting them; I, however, objected to the proposal from a supposition that they had not the money; to this he answered that Fyzulla Cawn had agreed to take upon him the greater proportion and the widow of Saad-ulla Cawn (who, he said, was well able to do it), the remainder. This being the state of the case, and the Vizier not having any money in his treasury, I consented, and the Vakeels were sent to me for my more particular satisfaction as to the facts. Fyzulla Cawn's Vakeel immediately engaged that his master would pay one lack and eighty thousand rupees, and the Begum's Vakeel offered two lacks. I wrote to them both and told them the Nabob intended to release their families, and make an ample provision for them. Fyzulla Cawn paid his quota, and the amount which is mentioned as an expected receipt at the bottom of my accounts (sent the Board under date the 18th December 1775) I received for the Company; the Nabob being at that time so distressed for money that he could with difficulty discharge the army subsidy, I was glad to procure payments by any means. The Begum of Saad-ulla Cawn was excused eighty thousand rupees, so that she remained bound for one lack and twenty thousand; she paid about half of it; the other half as the Nabob had not made the provision I wished, he agreed to give up for the maintenance of the Rohillas, and the Begum was accordingly desired to issue it to them. This she refused on account of an unequal division of former sums, in which her brothers had been slighted by their proportion being inadequate to the rank they held in the Rohilla State. She afterwards declared she had no property, and that what she had already paid was raised by selling her household effects.

I am sorry to inform the Hon'ble Board that, notwithstanding my earnest solicitations to, and the repeated promises I have had from the Nabob, he has not yet secured the payments of their allowances by appropriating funds to the purpose. I got him, a very short time ago, to fix for them a monthly stipend of eight thousand three hundred and thirty-three rupees, of which the inclosed is a statement of the distribution, which was made to the branches of the different families. Ellige Cawn was very solicitous to procure them this maintenance, but as no disbursements pass through his hands, he declined taking upon him to see the money paid to each individual, but he has promised me to settle funds for it by granting them Tuncaws on certain districts.

The Rohillas complain heavily of the Vizier for not complying with his part of the agreement of granting them an honorable maintenance, and they have really been exposed to much distress therefrom; notwithstanding this, the same ambition thirst of power subsits amongst them, as when their state actually did exist. They have the same views of preserving their ranks and consequence in the eyes of the people, and, however miserable the situation of any one amongst them might be, he would expose himself to any inconvenience, rather than benefit another, of an opposite interest or party to himself; of this I had more than one instance, but a very strong one occurred in the last campaign. On the issuing some money to Mohubbet Cawn, I was surprized to find a complaint made by another branch of the family that they were starving. When I applied to Mohubbet Cawn for an explanation of his not having made a just distribution of the sum, as it was declaredly granted for their general support, he asked me with astonishment how I could expect it, as the complainants were his avowed enemies, and he would himself sooner starve than assist them.

On the Vizier's arrival at Lucknow, he granted them five thousand rupees, of which a just distribution as was thought was made; several objected to it, and though they were at the time complaining of not even having a subsistence, yet they suffered the money to remain untouched above a month, during which period they were all consulted to settle the shares if possible to their general satisfaction; but when I found my endeavors in vain I informed the Vizier of it. A distribution then took place in the same proportion as that in the inclosed statement, and they were given to understand that it was at their option to receive it or not, but after the pains which had been taken to satisfy them it could not till now be settled on any other terms.

The Vizier is extremely suspicious of the intentions of the Rohillas, and indeed with some justice, as they have been detected in entertaining a correspondence with Nadjif Cawn, expressing the most earnest desire to enter into any enterprises against his Government. They must and ever will retain a sense of resentment against him, and his usage of them since their enlargement has only served to encrease it. In regard to my own conduct, I am persuaded, they are extremely dissatisfied with it, from want of success in procuring them their subsistence. I have always treated them with the attention, I thought, due to their former high rank, and I hope when the Hon'ble Board reflect on the distracted state of the Government during last year, that they will be convinced of my having, in compliance with the directions I received, endeavored to render their situation as eligible as possible. They have frequently requested me to apply to the Vizier for permission to leave his Court, which he has always positively refused, as he thought it highly impolitic to trust them to reside at any place where he could not keep a strict watch over their actions.

I have the honor to be, &c.,

JOHN BRISTOW,

Resident at the Vizier's Court.

Secret Dept. Fort William, the 23rd September 1776.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

GENERAL CLAVERING, *indisposed.*

Read and approved the proceedings of the 10th instant.

The Governor-General having sent in the following Minute in reply to one delivered by

General Clavering, Colonel Monson, and Mr. Francis, in May last, it was according to the Governor-General's desire sent a number in the Syrens Packet:—

Governor-General's Minute.

FORT WILLIAM, *the 15th September.*

General Clavering, Colonel Monson and Mr. Francis having in their Minute of the 2nd May last called upon me to inform the Board on what authority so considerable a portion of the Company's property, as is contained in the report annexed to the Minute, was given to Sujah Dowlah, I now proceed to state the motives on which I founded my compliance with the Vizier's earnest and repeated requisitions for a supply of military stores, arms, &c.

Sujah Dowlah finding it difficult to discharge the heavy debt he had contracted with the Company, and at the same time provide for the demands of his own Government, resolved on annexing to his own dominions the valuable territory of the Dowaub which had been some years under the usurpation of the Mahrattas; finding then that the scene of his operations in this expedition which lay beyond the limits to which the orders of the Hon'ble Court of Directors and our own ideas of the Company's interests had confined their arms precluded any hopes he might otherwise have formed of the assistance of any part of our troops, earnestly and frequently solicited a supply of stores and the loan of a few pieces of battering cannon, representing the danger of his enterprize failing for the want of them.

The advantage which the Company would derive from his success in obtaining an early payment of his debt was too considerable to be overlooked in the then exhausted state of their finances; and rendered our affording him any assistance, which was consistent with our own safety and convenience, a measure of good policy, as it was of good faith, and consistent with the friendship he had a right to expect from the advantageous alliance which we had just concluded with him. These considerations induced me to a compliance with his requisitions for the guns, &c., and to assist him with the services of Captain Brooke, an able and active partizan, whose talents I knew would direct a small force to great effect.

I ordered Colonel Champion to deliver over to the Vizier the 4 eighteen-pounders with the stores belonging to them, with the reserve of his not wanting them for the service in which he was thus engaged, and as they were only lent to the Vizier for the express service of his campaign in the Dowaub, this Government may, if it thinks proper, reclaim them from his successor.

It is true that the sanction of the Board for this measure does not appear upon our proceedings, but I perfectly recollect the Members being informed of and concurring in it.

And it is evident from the original draft of a minute in my own handwriting which I have lately found among my papers of that period, that its not being recorded could only have proceeded from an official neglect, occasioned by the multiplicity of transactions in which I was engaged whilst I had the principal share in the administration.

I have thought it proper to transmit with a fair copy the original papers of this Minute in the state in which I found them, which I hope will be admitted as a proof of their authenticity.

If a retrospect is to be had to every past occurrence, and every trifling irregularity or omission of forms arising from attention to a great variety of important concerns during a remarkably active period of Government, is to undergo the severest animadversion, it will be impossible for me to produce at this distance of time the materials which may be required for the necessary explanations. I can only rely on the candour of my superiors and their opinion of the rectitude of my intentions for my justification.

Copy of a Minute intended to have been laid before the Board on the Vizier's requisition of artillery, &c.

The President lays before the Board the following letter from the Vizier requesting to be

furnished with 12 pieces of battering cannon to be assisted by a company of artillery, for his operations in the Dowaub :—

Received the 17th December 1773.

From the Nabob Shujah Dowlah.

I am now arrived in this quarter, have destroyed the Tannehs of the Mahrattas, and am establishing my own. I now have an intention towards Etawah, being assured that the Mahrattas will desert it on my approach; should they venture to oppose me, by the blessing of God, they shall be punished. I also wish to be of some service to the King, and to negotiate and concert some measures with respect to the tribute from Bengal; it's the greatest friendship is established between me and the English Chiefs; especially since my interview with you, our union has become more firmly cemented than ever; and as I really have the greatest confidence and reliance in your friendship, I therefore acquaint you that I have resolved on performing some service for the King, and to concert measures with respect to the above-mentioned affairs. In this case I shall want some large guns for the Fort of Agra and other forts. I have none with me, but what are too small. If you will give me 12 large guns, each of which will hold a ball of 10 or 12 seers weight, it will afford me the greatest pleasure This will be proper and becoming the province of friendship. By the blessing of God 12 guns are of no value to you, and I shall consider them as if you had sent me a large army to afford me effectual assistance. If you will give me 12 guns, it will be best; otherwise let a single company with proper officers, and a person in whom you have trust, together with stores and ammunition, be sent with the 12 guns by way of loan; in short, your compliance in one of these points is absolutely necessary. It will afford me the greatest satisfaction. I conclude for certain that you will comply with my request and that you will give me the 12 guns. I have full confidence in your friendship.

— —

The President offers it as his opinion that although he disapproves of the latter part of the Vizier's requisition, he is inclined to allow him a few guns to enable him to prosecute the service in which he is engaged, or to retire with credit, being well assured that the Vizier has no artillery of any service with him, nor a force equal to the reduction of any place of strength that may oppose him. He supposes that half the number of guns which the Vizier desires will be sufficient, and these may be supplied from the artillery yard at Patna.

WARREN HASTINGS.

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Proceedings of the Secret Select Committee, from 7th October to 30th December 1776.

Secret Dept. Fort William, 21st October 1776.

Monday.

AT A COUNCIL, PRESENT:

The HON'BLE WARREN HASTINGS, *Governor-General, President.*

The HON'BLE RICHARD BARWELL, Esq.

PHILIP FRANCIS, Esq.

LIEUTENANT-GENERAL JOHN CLAVERING. *Indisposed.*

Read and approved the Proceedings of the 17th instant.

Received two letters from Mr. FOWKE as follows:—

MR. FOWKE'S two letters, 25th September, 5th October.

To the HON'BLE WARREN HASTINGS, Esq., Governor-General, &c., &c., Superior Council of Fort William.

HON'BLE SIR AND SIRS,—Having received from Raja Chait Singh a nuzzerana equal to the cost of the khilaut which he received the preceding year, I invested him on the twenty-second instant with one consisting of the same articles and attended with the same formalities, and informed him that the continuance of this indulgence would depend on his own punctuality in completing his payments and adhering faithfully to the other conditions on which he holds his zemindary. I likewise delivered to him the sunnuds transmitted to me by Mr. Secretary Auriol under date the fourth September seventy-six, and received back from him the former sunnuds, which I herewith enclose.

I have the honour to be,

with the greatest respect,

Hon'ble Sir and Sirs,

&c., &c., &c.,

F. FOWKE.

BENARES, 25th September 1776.

Fort William, the 2nd December 1776.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

LIEUTENANT-GENERAL JOHN CLAVERING.

RICHARD BARWELL, ESQUIRE.

PHILIP FRANCIS, ESQ.

Read and approved the Proceedings of the 11th ultimo.

The Governor-General moves that Mr. JOHN BRISTOW be recalled from the Court of the Nawab of Owde, and that Mr. NATHANIEL MIDDLETON be restored to the appointment of Resident at that Court.

MR. FRANCIS,—I beg leave to ask the Governor whether he means the same office which Mr. Middleton before held at that Court, which I think the word restore seems to imply.

The Governor-General,—I do not, in the sense which Mr. Francis seems to understand it, the Court of Directors having expressed their disapprobation of the channel through which he was to receive his instructions; that is no part of my present proposal, but that I may not be misunderstood I beg leave to correct my motion and to propose—which is in effect only what I meant by the preceding—that Mr. Bristow be recalled from the Court of Owde, and that Mr. Nathaniel Middleton be restored to the appointment of Resident at that Court, subject to the orders and authority of the Governor-General and Council.

Mr. Francis,—My determination to withdraw myself from an unavailing contest with the present majority of the Board does not depend on any act of theirs. Motives of personal interest or animosity did not dictate to me the line which I have hitherto followed in public affairs, nor shall they have any influence over my future conduct.

Without affecting to conceal my own immediate sense of the injustice done to Mr. Bristow, I need look nowhere but to the measure itself for arguments to oppose it. A proposition to remove him from a station he has filled with distinguished credit to himself and advantage to the Company, and for no other avowed reason but to give his place to another, is open to objections too serious and important in a public view to be mixed with any consideration of the personal concern which I may receive from it. Having already mentioned them at the Board, I shall content myself at present with giving a negative to the question, reserving a more formal declaration of my opinion on the whole subject for a dissent to the resolution which I take for granted will follow the motion.

P. FRANCIS.

Mr. Barwell,—I assent to the motion because I think it a justice due to Mr. Middleton and what the Governor-General could not avoid taking the first opportunity of effecting. I have not the least personal objection to Mr. Bristow; so very far from it, that did I not conceive it would be prolonging the injury already done to Mr. Middleton to keep that gentleman in the station to which he was advanced on the removal of Mr. Middleton, I should have been glad to have had him still employed; but I cannot indulge the wish I have to serve Mr. Bristow at the expense of what I conceived the rights of another.

General Clavering,—The motion before the Board comprehends two questions—the removal of Mr. Bristow and the restoring of Mr. Middleton to the office of Resident at the Vizier's Court. To enable me to give my opinion on the first, I must beg the favour of the Governor-General to inform the Board of his charge against Mr. Bristow, and the faults which he has committed that have induced him to make the present motion for Mr. Bristow's recall.

Governor-General,—I bring no charge against Mr. Bristow. I do not accuse him of any faults. I know of no charge that was produced against Mr. Middleton when he was removed; the majority of the Board thought it proper at that time to remove the Public Minister at the Court of the Nabob of Owde, who had received his nomination from me, and to appoint another in his stead in whom they had a confidence. Highly as I esteem the merits of Mr. Middleton, I will not bring them into an invidious comparison with those of Mr. Bristow, whom, though lately unknown to me, but by his public character, I esteem. I have a greater confidence in Mr. Middleton, and as the responsibility of all public measures has been pointedly thrown upon myself and Mr. Barwell in the numerous dissents and protests which have been recorded during the course of the last two months, I claim the right belonging to that responsibility and constitutionally to the office which I fill as the Head and Executive Member of this Government to choose the means and instruments by which it may be exercised in the most effectual manner, for the good of the service and the credit of those who are invested with the charge of it.

General Clavering,—I am satisfied with the answer that the Governor-General has given, that he brings no charge against Mr. Bristow, nor does he accuse him of any fault. This declaration will be at least some consolation to

Mr. Bristow and his friends, and will show the Court of Directors that he has not exercised the trust which has been reposed on him, even in the Governor-General's opinion, unworthily. The Governor-General is pleased to say that he knew of no charge that was produced against Mr. Middleton when he was recalled, but it is impossible that he can have forgot the reasons that were assigned for it. It appears in the Consultation 26th October 1774 that the Governor-General having refused to deliver up the whole of his correspondence with Mr. Middleton, the question was proposed and put that that gentleman should not be continued at the Nabob's Court any longer, and he was accordingly ordered to withdraw from that Court, and to bring the whole of his correspondence with him. The Court of Directors have had this subject very fully before them, and in their letter of the 15th December 1775 they were pleased to disapprove of the independent and separate authority which had been delegated to the Governor-General, and afterwards to express their disapprobation that any part of Mr. Middleton's correspondence had been withheld from the perusal of the Supreme Council. The Board did not consider Mr. Middleton as a Public Minister, the term which the Governor-General now gives to him, but his own Agent, as he avowedly was acknowledged both by the Governor-General himself, and by Mr. Middleton on his return to the Presidency, who in his letter recorded on the 6th February 1775 declares that he conceives himself not to be authorized to make any communication of his correspondence with the late President without his express commands. Such were the reasons which the late majority of the Board assigned for the recall of Mr. Middleton. As no fault nor imputation of fault or neglect is alleged for the proposed recall of Mr. Bristow, I cannot but object to it as a most unjust, unwarrantable proceeding. If the Governor-General will think proper to defer his motion till after the arrival of the *Eagle* packet, which may be now hourly expected, it is more than probable that we shall obtain further lights than have been hitherto given to us of the sentiments of the Court of Directors both on Mr. Middleton's recall and on Mr. Bristow's appointment to the Vizier's Court. I would therefore, with the Governor-General's consent, beg leave to propose that this motion be deferred till after the arrival of that ship.

Governor-General,—I think it a duty incumbent on me to adhere to my motion. I will not take up the time of the Board by answering the objections which have been made to it at this time, having other questions which I wish to propose immediately for their determination.

Mr. Francis,—I think General Clavering's proposal in every respect reasonable and expedient. If the instructions which we may receive by the *Eagle* packet should make no alteration in the circumstances or measures of this Government, it will always be open to the Governor-General to pursue his present plan. The difference of time cannot be considerable; but if such instructions as this Board have some reason to expect should arrive, they cannot but produce the immediate reversal of the present resolution, and in that case it will have served no purpose whatsoever, either public or private.

Governor-General,—I would willingly wait for the arrival of the *Eagle* packet if I thought it probable that she was on her road. I have already waited to this time in the expectation of decisive advices from England, but I repeat that, charged as I am—pointedly charged—with the responsibility of public affairs, it is my duty to avail myself of such means as may enable me to conduct them for the public good and my own credit. I have intelligence which convinces me that no public measure of any consequence respecting this Government could have taken place in England so late as the month of June last; this news, though not of official authority, is come to me sufficiently authenticated for my own internal conviction: I must therefore object to the general motion.

Mr Barwell,—The Governor-General having declined to withdraw his motion, and the opinion I have already given being direct to the Governor's motion, it precludes my saying anything to the General.

General Clavering,—I am concerned that a motion which I have made to prevent the daily alteration of measures which is a disgrace to all govern-

ments should not have been accepted, particularly when the object of it was to learn the clear and decisive opinion of the Court of Directors as well on the subject now before the Board as on many others of the highest importance to the Government: it is therefore sufficient that I declare my dissent to the removal of Mr. Bristow, and I cannot agree to the appointment of Mr. Nathaniel Middleton till he has acknowledged the authority of this Government in submitting to give up the papers which were before required of him: as this is a positive order of the Court of Directors, a refusal from him can no longer be admitted.

MR. FRANCIS,—I beg leave to ask the Governor-General at what time he received his latest intelligence from England?

GOVERNOR-GENERAL,—About the middle of August; I believe the 14th of August.

MR. FRANCIS,—I took the liberty of asking this question because the Governor-General has said that he has waited to this time in the expectation of decisive advices from England; that expectation must have been founded on the intelligence which he received on the 14th of August, and as he has not received any advices since that period, I do not comprehend what new motive or consideration induces him to give up the expectation of those decisive advices for which he has hitherto waited. If he has hitherto expected the arrival of the *Eagle* packet or of intelligence by any other channal, there is no apparent reason why he should not still expect them.

GOVERNOR-GENERAL,—I have not expected the *Eagle* packet, and I think the season is now too far advanced for intelligence to be received for some months yet to come by the route through which I received my last letters from England, which was by the port of Suez and through the Red Sea.

Some arguments arising respecting the regularity of the previous question proposed by General Clavering for suspending the consideration of the Governor-General's motion.

THE GOVERNOR-GENERAL,—To bring the General's motion more regularly before the Board, I desire that the question may be put whether my motion shall be deferred till the arrival of the *Eagle* packet?

MR. FRANCIS,—The General's motion cannot be more regularly put than it was by himself. I entirely approve of it.

MR. BARWELL,—I look upon this in the light of a previous question whether the Governor-General's question shall be put or not; I have already acquiesced to its being put, and must therefore put a negative upon this motion.

General Clavering agrees to the motion.

GOVERNOR-GENERAL,—I again object to it.

Resolved, that the Board do not agree to General Clavering's proposition for deferring the consideration of the Governor-General's motion until the arrival of the *Eagle* packet.

GENERAL CLAVERING,—The Court of Directors having been pleased in the 28th paragraph of their letter of the 15th December 1775 to declare that Mr. Nathaniel Middleton's correspondence with the late Resident should have been addressed to the President and Council, or speedily and unreservedly laid before them by the President, and to express their disapprobation that any part thereof had been withheld from the perusal of the Supreme Council, I move that before the consent of this Board be obtained for the appointment of Mr. Nathaniel Middleton to the Vizier's Court, that the orders or at least the plain and direct intentions of the Court of Directors be complied with.

MR. FRANCIS,—If any respect be due to the sense of our superiors, or if we expect submission to our authority hereafter, the propriety of this motion I conceive cannot possibly be disputed. The Court of Directors and a general court of proprietors have unanimously resolved that the whole of Mr. Middleton's correspondence with the Governor-General ought to have been laid before the Board, and the Court of Directors express their strongest disapprobation of the refusal to communicate such correspondence entire to us. As long as no proposition was made for employing Mr. Middleton, and as the public service

did no longer require that we should receive that communication for our guidance, it was needless to renew the requisition to Mr. Middleton. I would now have it renewed upon the single grounds of the obedience he owes to Government, and I should think that the Governor-General himself, although he might have reasons to avoid insisting upon it, at that time when the requisition only proceeded from General Clavering, Colonel Monson, and myself, will now see the necessity of enforcing it as a duty imposed upon the Board by the whole authority of the East India Company.

Mr. Barwell,—This is the second previous question that has been put upon the Governor-General's motion. It comes indeed in a new dress, but still it is the previous question, for if it was not to restore Mr. Middleton to his rights, and the Governor-General did not think it incumbent on him so to do, I apprehend the motion would not have been made. I acquiesce with Mr. Francis that there would have been no necessity for calling upon Mr. Middleton for his correspondence at this juncture if the Governor had not proposed to employ him. As is evident from the length of time that has elapsed since the receipt of the Company's letter, and the call now proposed to be made upon Mr. Middleton, the Company have disapproved of the Governor-General's not giving his correspondence entire, although what he did submit contained the whole of the public transactions; but as they throughout cautiously avoid imputing the least blame to Mr. Middleton, I do not see that the Governor's conduct can be a bar to any appointment that may be proposed for that gentleman. I regard the motion as a second previous question and put my negative upon it.

General Clavering agrees to the motion.

Governor-General,—I object to the question upon the single ground of its being directly contrary to the manifest intentions both of the Court of Directors and the General Court of Proprietors; neither of these Courts have ordered that Mr. Middleton's correspondence with me should be laid before the Board; this together with the recall of Mr. Middleton and the appointment of Mr. Bristow were the first subjects which were referred to their decision. Their opinions, though solemnly given, express neither approbation nor disapprobation of the recall of Mr. Middleton on the appointment of Mr. Bristow, but leave those subjects open to any change which might afterwards be proposed respecting either. Upon my refusal to deliver up Mr. Middleton's correspondence, the Court of Directors have expressed their disapprobation that any part thereof had been withheld from the perusal of the Supreme Council; but though it should obviously follow, if such was their intention, that I should, on receipt of their orders, deliver up the correspondence which I had before improperly withheld, yet no such order nor intimation of such an order appears in any part of the general letter quoted by the General, and the Court of Proprietors in express terms confine their approbation of the opinion delivered by the Court of Directors to the time past. They too agree with the opinion of the Court of Directors that the whole correspondence between the Governor-General and Mr. Middleton should have been laid before the Members of the Supreme Council, adding as the reason the following words who ought to have received every information respecting the transactions "of the Company's Agent at Shujah Dowla's Court in order to regulate their conduct at that critical period." Forgetfulness may be imputed to individuals, but it is impossible to suppose that twenty men of known abilities and experience in business should have omitted so necessary an order or left it to be gathered by implication from an opinion given upon a subject past; much less can such an inadvertency be imputed to the whole body of the proprietors. I object to the motion.

The following motion of General Clavering's is resolved in the negative, *viz*—

"That before the consent of this Board be obtained for the appointment of Mr. Middleton to the Vizier's Court, that the orders or at least the plain and direct intentions of the Court of Directors be complied, *viz.*, that Mr. Nathaniel Middleton's correspondence with the late President should be speedily and unreservedly laid before the Board."

Resolved, that Mr. John Bristow be recalled to the Presidency from the Court of the Nabob of Owde and that Mr. Nathaniel Middleton be restoréd to the appointment of Resident at that Court, subject to the orders and authority of the Governor-General and Council conformally to the motion of the Governor-General.

Mr. Francis,—I beg leave to enter my dissent from the Resolution of the Board for the following reasons:—

Mr. Francis's dissent for Mr. Bristow's recall.

Secret Department, 2nd December 1776.

Mr. Bristow's removal is not formed on any plea of necessity or of advantage to the public service, but solely on the particular confidence which the Governor reposes in Mr. Middleton.

2. It is not founded on any plea of incapacity or demerit in Mr. Bristow, or even of superior qualifications in the person who is to succeed him.

3. It is in effect a disavowal of and contradiction to the unanimous declarations which the Board have repeatedly made, as well to himself as to the Court of Directors, of the high sense we all entertained of his services to the Company, and which I am happy to find is not yet diminished in any of us.

The following passages from the records will shew that, however we might differ as we did on many other questions, Mr. Bristow's conduct united every opinion in his favour—

" In our letter of the 3rd August 1775 we informed the Court of Directors that Mr. Bristow's conduct " in negotiating and bringing to a happy conclusion the important business committed to him, notwithstanding the difficulties, which were at first thrown in the way, was very meritorious, and that as the signal service he rendered the Company in the acquisition of so great an additional revenue afforded us the means of acknowledging his services without any charge on their ancient fund, we determined to reward him by a present of one lack of rupees."

Our letter to Mr. Bristow himself, demonstrates still more strongly the Board's unanimous approbation of his conduct. " We told him " we entirely " approve of every article in the treaty and of the negotiation of it."

We said that in ratifying a treaty so highly honourable and " advantageous to the Company as that which you have had the honour of concluding with the Nabob, we cannot in justice to your distinguished zeal and assiduity in the course of this important negotiation omit expressing to you the highest approbation of your conduct and returning you our thanks for the service you have rendered to the Company. The terms you have obtained are so complete and satisfactory that they equal our warmest expectations; and you may be assured that we shall not fail to represent the whole of your conduct since your appointment to the Honourable Court of Directors in that favourable light in which it appears to us, and in which we do not doubt it will be received by the Company.

" As a further mark of our approbation we have agreed to order a bond to be made out in your favour for one lack of rupees, bearing interest at 5 per cent. from the 21st May, being the date of the signature of the treaty, subject, however, to the final approval of the Hon'ble the Court of Directors, to whom we shall recommend it as a just reward of your services." The intended reward, however, has not been received by Mr. Bristow.

It would not be improper to insert in this place a copy of the whole treaty of Fyzabad, since there is not a line of it that does not in effect arraign the justice of the present resolution. I shall, however, only mention those two articles in favour of the Company in which a less faithful servant and a less honourable man might have used the latitude allowed him by his instructions and easily have compounded for abatements, yet still have preserved the credit

of having rendered an essential service to his employers—I mean the acquisition of a net revenue of twenty-three lacks, with all the rights of the Nabob over the country of Benares, and of six lacks a year in addition to the subsidy. The Company, I trust, will long preserve the possession of these acquisitions as well as a grateful sense of the ability and integrity to which they owe it.

While such distinguished testimonials accompany Mr. Bristow's dismission, the present resolution touches nothing but the honour of the Board and the consistency of their proceedings.

4. At a time when the establishment of our ally, the Nabob of Owde, is represented to be insecure and when some extraordinary measures are recommended for protecting his dominions against a foreign invasion, I deem it in the highest degree hazardous to the welfare of his Government, and of course to our own, to remove a man thoroughly acquainted with the affairs of that country and with the political interests, views, and connections of all the Indian powers that surround it; and that if the measure were otherwise defensible, many circumstances which peculiarly belong to the present conjuncture ought to have deterred the Board from adopting it.

5. The present Resolution appears to me an attack on the authority of the Company themselves, who are informed of Mr. Bristow's appointment, who have left it unreversed, and who have expressly adopted and confirmed the principles on which Mr. Middleton was recalled.

6. Supposing the present majority not to be bound by any obligation of public duty to maintain an uniformity of councils in the eyes of the Indian powers and to preserve some appearance of dignity and consistency in the operations of this Government; and supposing that the Governor-General and Mr. Barwell have no rule to consult but the extent of their present power to direct them in the use of it, still I affirm that, on any principles they can possibly avow, the recall of Mr. Middleton is not a precedent to justify that of Mr. Bristow. The records will shew that the motives on which the late majority acted were solely of a public nature: we deemed it a violation of the constitution of this or any Government, not vested in a single person, that the Chief Member of it, who is no more than first among his equals, should transact the affairs of the Government through the channal of a private agent, receiving instructions from him alone and answerable to him alone for the execution of them. The Honorable Court of Directors themselves tell us "that the conduct of the late Council in this respect was very improper." They expressly order that no such independent or separate authority be ever delegated to any Governor or Member of Council or to any other person whatever; and they declare that Mr. Middleton's correspondence should have been addressed to them or speedily and unreservedly laid before them by the President.

If the public principle on which we professed to act be now clear and incontrovertible, it will appear from the strongest presumptive evidence that we did not assume it to cover any secret unwarrantable purpose.

The Governor-General himself will acquit us of partial views to the establishment of any other person at the expense of Mr. Middleton; he cannot but recollect that General Clavering, Colonel Monson, and myself made him a tender of continuing Mr. Middleton as the Public Resident of the Company, which the Governor thought fit to decline. With respect to Mr. Bristow, I most solemnly declare that his name for this appointment was not to my knowledge in contemplation with any Member of the Board, till a considerable time after Mr. Middleton's arrival in Calcutta. If vindictive measures were in any case capable of a justification, it could only arise from a comparison with other measures of the same temper; but even on this principle the removal of Mr. Bristow has no plea to support it.

7. My objections to the appointment of Mr. Middleton have no relation to his personal character or qualifications. Events for which perhaps he alone is not answerable have placed him under the censure of this Government, of the Hon'ble Court of Directors, and of the whole East India Company. With the unanimous resolution of the Court of Directors and of a general Court of

Proprietors to support me, I shall not be contradicted when I affirm that the whole of his correspondence with the Governor-General ought to have been laid before the Board. If this ought to have been done, his refusal to comply with the requisition of the Board was a violation of the duty, from which nothing less than an authority superior to ours can acquit him; but that authority has in effect condemned him under such violation of duty. I am bound to consider him in the predicament of a man disqualified for public service. We cannot employ him without declaring at the same time that direct disobedience to the lawful orders of Government is no disqualification for employment.

For these and other reasons, I dissent from the present resolution, and protest against it as an act of power without right; and not only without right, but without a shadow of justice, reason, or expediency to support it.

GOVERNOR-GENERAL,—That I may not furnish occasion to the Board for the unnecessary waste of time in the further motions which I have to lay before the Board, I now deliver them in writing to the Secretary, and I hope that the Board will consent to bring their opinions written thereon at our next meeting. The motions are as follows—

The Governor-General's motion.

The Board having yet received no accounts of the charge incurred by the Nabob of Owde in the military establishments which have been formed for the service under the command of the Company's officers, and as it is highly necessary to interpose the authority of the Board as a check on such of the servants of the Company as may have been entrusted with the expenditure of the sums supplied for that purpose, both to prevent an abuse of the confidence which the Nabob has reposed in this Government, and that the discharge of his debt to the Company, which is yet very heavy, may not be retarded by the improper application of his treasures.

The Governor-General moves that Mr. Bristow be directed to transmit to the Board immediately an account of all advances which have been made, and money paid whether directly by the Nabob or immediately through him or any other person on the Nabob's account for the charge of raising and maintaining the military establishments which have been formed under the charge or command of British officers for the service of the Nabob of Owde, distinguishing the advances and payments made to each persons; and that Colonel Goddard be directed to call upon every officer and every other person under his command who has at any time received money for the above purposes for an account of the expenditure thereof with their vouchers, and to transmit the same to the Board.

The Governor-General also moves that Mr. Francis Fowke be recalled from Benares and his commission annulled, the express purposes thereof having been accomplished.

MR. FRANCIS,—I need not bring my opinion in writing upon either of these motions: to the first I make no objection; but as to the recall of Mr. Francis Fowke, I know no motive for it; on the contrary, I am satisfied that his presence at Benares has been of signal use in preventing the delay of the remittance of the tribute, and to my knowledge he has done nothing to incur the displeasure of the Board. I cannot therefore consent to his recall.

MR. BARWELL,—The express purposes to which Mr. Fowke was first appointed were the investiture of the Raja and the settling a mode for the remittance of his tribute. His commission ceased the instant the object of it was accomplished, and Mr. Fowke ought then to have been remanded to Calcutta. He holds no appointment, and therefore it cannot properly be styled a removal. I assent therefore to Mr. Fowke's being called to the Presidency. I likewise assent to the Governor-General's motion for an account of the expenditure of the different sums incurred in raising and forming the military establishment at first placed under the charge of Captain Webber as Adjutant-General.

General Clavering,—I agree entirely in the Governor-General's motion for calling for the army accounts of the Nabob's troops under British officers; and though I do not understand what Mr. Barwell means by the expression under the charge of Captain Webber as Adjutant-General, not knowing that he has had any charge or either receipt or disbursement of money but for the sums that he may have received for the forming of his own particular regiment; and that the Board may judge with precision what comparative merit he may have in that with Captain Marsack, who commands the other regiment of cavalry, I beg leave to refer to Colonel Goddard's return of the 15th November last, where it will appear that Captain Marsack's regiment is incomplete of horses 559, whereas that of Captain Webber is only incomplete 13. I take it for granted that some indirect charge is implied under that expression of Mr. Barwell, but I have no doubt that the accounts when they are received at the Presidency will entirely acquit Captain Webber of any appropriation of the Nabob's money to his own use. In regard to the recall of Mr. Fowke and the annulling of his office, I cannot help considering it a vindictive measure couched under the appearance of public service, and therefore dissent to the motion.

Governor-General,—I agree to both motions.

Resolved that both the motions proposed by the Governor-General be carried in the affirmative. The following letters are accordingly written to Mr. Bristow, Lieutenant-Colonel Goddard, and Mr. Fowke.

To Mr. Bristow.

Sir,—Having thought proper to recall you to the Presidency and to restore Mr. Nathaniel Middleton to the station of Resident at the Vizier's Court, we direct that on his arrival at the said Court you immediately deliver up to him the charge of that appointment and repair to Calcutta.

In the meantime we direct that you prepare and transmit to us an account of all the advances which have been made and money paid, whether directly by the Nabob himself immediately through you or any other person on the Nabob's account, for the charge of raising and maintaining the military establishments which have been formed under the command of British officers for the Nabob's service, distinguishing the advances and payments made to each person

Fort William, }
The 2nd December 1776. }

We are, &c.

To Lieutenant-Colonel Goddard.

Sir,—Judging it necessary that we should be made acquainted with the disbursements of the different sums which have been advanced by the Nabob to raise and maintain his establishment of forces under British officers, we desire that you will call every officer and person under your command who has at any time received money for the above purposes, and require from them an account of the expenditure of such sums, with their vouchers for the same, all which you will immediately forward to us.

Fort William, }
The 2nd December 1776. }

We are, &c.

To Mr. Francis Fowke.

Sir,—The objects proposed by your appointment to proceed to Benares being now accomplished, we have thought it necessary to annul the commission which was given you for that purpose. We therefore direct that you return to this Presidency immediately on receipt hereof.

Fort William, }
The 2nd December 1776 }

We are, &c.

Proceedings of the Secret Select Committee from 8th January to 9th March 1778.

Fort William, the 29th January 1778.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
RICHARD BARWELL, ESQ.
PHILIP FRANCIS, ESQ.
EDWARD WHELER, ESQ.

The Proceedings of the 26th instant, read and approved.

Received the following letters from Bombay :—

GENTLEMEN,—We have the honor to enclose duplicates of our letters dated the 2nd and 7th instant.

Since then we have received a letter from Mr. William Lewis, Mr. Mostyn's substitute at Poonah, which, being of a very important nature, we lose not a moment in transmitting you a copy thereof, and of our Resolutions in consequence.

We flatter ourselves that after a consideration of all circumstances and of the necessity and urgency of the case, which would not admit of the smallest delay in our determination, you will approve of the encouragement we have agreed to give to the party formed in Ragobah's favour, and that we shall meet with your hearty concurrence and support in the measures we may be obliged to pursue in consequence.

You may be assured we shall proceed with the utmost caution and circumspection and upon the best grounds, and advise you as soon as we possibly can of what is likely to be the issue of this business.

In the meantime we have judged it expedient to request the Gentlemen at Fort St. George to hold in readiness a body of two hundred European Infantry, half a Company of Artillery, and one Battalion of Sepoys to march to Anjengo upon the receipt of further advices from us.

We inclose for your notice copy of a letter from the Nabob Hyder Ally to our Resident at Onore. We have to observe that we supplied him with the musquets therein mentioned by permission from the Hon'ble Company for the purchase of pepper and sandal-wood in his dominions.

It is a certain fact that Monsieur Pascoal du Santy charged with dispatches for the French Ministry found means to get a passage from Surat about the 20th of last month in a dingey bound to Muscat from whence he might easily proceed to Europe by the way of Geain and Aleppo, he was accompanied by the Secretary to the French Consul at Surat.

We are, &c.,
WILLIAM HORNBY.
JOHN CARNAC.
P. DRAPER.
T. MOSTYN.
N. STACKHOUSE.
WM. ASHBURNER.
ANDR. RAMSAY.

BOMBAY CASTLE,
The 12th December 1777.

484 F. D.

The Governor-General,—The minute which I delivered to be recorded at our last consultation is of course rendered of no consequence. Though I may regret the loss of so much time as I have bestowed upon it, yet I shall be much better pleased, if the plan, which fortune has thrown into the hands of the President and Council of Bombay shall be attended with a better effect than one formed on defective materials under the disadvantage of so remote a situation. The uncertainty of the events which might take place before it could produce its effect, and the necessity of a peremptory decision instead of a negociation, from which this Government is immediately precluded, and which under the circumstances supposed at the time in which it was written it could not with propriety entrust to the Presidency of Bombay, whose sentiments differed very essentially from the principles on which it was to be conducted. The letter now before the Board advises us of the first suggestion of a plan, the execution of which may have taken place long before this. It may have been attended with immediate and decisive success. It may have succeeded immediately in the first object which was to conduct Ragoba to Poona, but may have entailed a long series of consequences which will eventually involve this Government. At all events much depends on the Resolutions of this Government. The acts of the Gentlemen at Bombay will have no validity, nor will any confidence be placed in their engagements unless they are ratified by the controlling power which is vested in the Governor-General and Council of Bengal. The subject itself therefore necessarily demands that our Resolutions upon it should be immediate and that they should be decisive. It is equally necessary for the information of the Court of Directors, who of course will form their measures on the line which we shall have previously laid down or at least on a principal attention to it, that the ship now under dispatch should convey to them the knowledge of our Resolutions. For this purpose, and to prevent the loss of time in a loose Debate, I have formed all the points which appear to me necessary for our present deliberation and determination into distinct questions Others perhaps may occur. In the meantime I shall now propose these to the. Board.

1st Question.—Is it the opinion of the Board that the President and Council of Bombay are warranted by the Treaty of Poorunder to join in a plan for conducting Ragonath Row to Poona on the application of the ruling part of the administration of the Mahratta State?

2nd Question.—Is it the opinion of the Board that the President and Council of Bombay are either bound, or warranted by the orders of the Court of Directors to give their support to the pretentions of Ragonath Row if they can afford it without a violation of the Treaty?

3rd Question.—Is it the Resolution of the Board that they approve the plan which the President and Council of Bombay have agreed to form with the Mahratta Government as explained in their letter now before the Board?

4th Question.—Is it the Resolution of the Board that its sanction shall be given to the plan which the President and Council of Bombay have agreed to form with the Mahratta Government as expressed in their letter now before the Board, and that it will authorize the President and Council of Bombay to carry the same into execution by such means as they shall judge most advisable, provided these shall be such as are consistent with the Treaty and with the orders of the Company?

5th Question.—Is it the Resolution of the Board that the Treaty of Poorunder not binding the Company to take any part in the disputes of the Mahratta Government, the Company is therefore entitled to such further advantages as may be obtained by negociation as a compensation for the hazard and expence of their interposition and assistance?

6th Question.—Is it the opinion and Resolution of the Board that the following are proper objects to be required, and that it shall be recommended to the President and Council of Bombay to require them as a compensation for the Company's interposition, *viz.*:—

1st.—That such reasonable and practicable security be obtained for the personal safety of Ragonath Row as he shall require.

2nd.—That a specific sum be required to reimburse the Company for the Military charges which may be incurred by their interposition.

3rd.—That the Fort and district of Basseen, be ceded in perpetuity to the Company.

4th.—That an additional grant of territory be made to the Company adjacent to Basseen or to Bombay in exchange for Baroach; and the lands ceded to the Company by Futtah Sing Guicowar, and for the Pergunnahs of Hansood, Ahmood and Desbora.

5th.—That no European settlements shall be allowed on any of the maritime coasts of the Mahratta Dominions without the consent of the Governor-General and Council of Bengal previously obtained.

7th Question.—Is it the Resolution of the Board that the President and Council of Bombay shall be supplied with money independent of the ordinary and annual supply, and to what amount?

8th Question.—Is it the Resolution of the Board that any Military assistance shall be sent to the President and Council of Bombay?

Mr. Wheler acquaints the Board that he is not prepared to give his opinion on these questions and wishes to be allowed time to consider them.

Mr. Francis.—Not knowing what specific propositions might be laid before the Board, I came prepared to deliver my opinion on that, which I supposed would be the general question for our determination. I believe it will be found to include an answer to most of the questions stated by the Governor; and for that reason I am ready to record it in this place. At the same time, though my general opinion is formed, I could wish to have an opportunity of giving particular consideration to each of the questions before us, with the reasons of my assent or dissent; but this, I conceive, cannot be done by every Member of the Board in the course of one day. The Board will be pleased to observe that the minute I am going to deliver in has no direct relation to the Governor's propositions, as I had not seen them.

Mr. Francis's Minute.—I feel myself equally pressed by the importance of the question before us, and by the very short time I have had to consider it. My opinion of it, however, is formed on principles heretofore carefully weighed and deliberately adopted, and which no new fact, belonging particularly to present circumstances, has induced me to depart from. I shall lay it before the Board without any other introduction, but to request their indulgence for any irregularity in the form or inaccuracy in the expression. I would propose that the Board should protest, as I mean to do for myself separately, against the Resolutions of the Presidency of Bombay communicated to us in their letter of the 12th December last, for the following reasons:—

1st.—Because their resolving to join with a party in the Mahratta Government in measures tending to engage the Company in a war, or their entering into engagements to that effect as they declare they will do instantly on receiving an application from the persons who are supposed to form the above party, without the consent and approbation of this Council first had and obtained, is against law.

2nd.—Because it is equally against the Company's instructions in their general letters of April 1777, by which the expediency of any future alliance with Ragoba is expressly left to *our* determination?

3rd.—Because it is a violation of the 9th and 10th Articles of the Treaty concluded between the Governor-General and Council and the Paishwa.

4th.—Because such violation of public Treaty between two States is not to be justified by the reasons assigned for it, *viz.*, "that a number of individuals in one of those States are inclined to engage in measures subversive of all or any of the stipulations of such public Treaty and have privately applied for assistance in carrying such measures into execution."

5th.—Because even the evidence of such a disposition in the persons alluded to, appears to us very uncertain and defective, being no more than a

private verbal message from them to Mr. Mostyn's substitute at Poona meant perhaps for no other purpose but to discover our intentions with respect to Ragoba, and which they may disavow at their pleasure.

6th.—Because there are no proofs before us to warrant our giving credit to an assertion so improbable as that Sacaram Baboo (whose letters to the Governor have been constantly, and are to this time filled with complaints against the non-execution of the Treaty, and particularly of the protection given to Ragoba) should voluntarily enter into private engagements to restore Ragoba to the Regency, and solicit the assistance of the Presidency of Bombay for that purpose.

7th.—Because, admitting that a party has been formed to support the pretensions of Ragoba, such party is either strong enough to accomplish their purpose without our assistance, consequently our interference is unnecessary; or, if their own strength be in itself unequal to the enterprize they will then want an immediate and continued support which the Presidency of Bombay is in no condition to give them. In their letters of the 7th December they tell us "that their European Battalions are greatly deficient of their proper complement which they have no means or prospect of completing, and that notwithstanding they give every encouragement, it is very difficult to raise good Sepoys on that coast; that they are unable to co-operate with the other Presidencies in case of an attack upon either of them; that, limited as their power is, and unprovided as they are with resources, they cannot exert themselves as the occasion requires; they can do no more than represent their situation and circumstances to us." It follows, then, that the Resolution of the Bombay Presidency, to carry Ragoba to Poona, may involve us in a war, in which the safety of our possessions on the Malabar Coast may be immediately hazarded, and which can in no way be supported hereafter, but by supplies of men and money from Bengal.

8th.—Because it is at all times the duty of this Council to give their utmost attention to the preservation of peace in India; but, at this conjuncture, more particularly than at any other, while a considerable part of the National Force is employed in America, and while the apprehension of a war with France and Spain hangs over the Councils of the Nation.

9th.—Because the requisition made by the Presidency of Bombay to that of Fort St. George for a body of troops, for any purpose but that of immediate self-defence, without our consent and approbation, appears to us highly irregular, and its consequences dangerous, as it tends to defeat the intention of the Legislature in the institution of this Council, and to make it impossible for us to provide for the safety of the British Empire in India, by any general plan of action, as long as the respective disposition of the forces of each of the other Presidencies is liable to be altered, without our knowledge or consent.

10th.—Because the Resolutions, taken by the Presidency of Bombay, not only stand in direct contradiction to the authorities and engagements hereinbefore recited; but more especially to the instructions of this Council, unanimously agreed to on the 18th August last, which they appear to have totally disregarded, and which it is our duty to support and insist on. I desire the second paragraph of that letter may be read, which is as follows, *viz.* :—

"The first point has undoubtedly afforded just cause of offence and jealousy to the Mahratta Government. We wish that Ragoba had been induced to accept the terms of conciliation, lately afforded to him by the Ministers, to reside at Benares with a jaghir of five lakhs of rupees per annum in the neighbourhood of Calpee. These conditions, though they effectually removed the objections formerly made by Ragoba against the terms secured for him by the Treaty, were excepted to by him on account of the difficulty of proceeding to Benares from the danger that he thought his person would be exposed to in a journey by land through the Mahratta Dominions and his religious scruples against a voyage by sea."

"We can see no reason to doubt that the presence of Ragoba at Bombay will continue to be an insuperable bar to the completion of the Treaty concluded with the Mahratta Government, nor can any sincere cordiality and good

understanding be established with them, as long as he shall appear to derive encouragement and support from the English. On the contrary, we think that although it may not furnish sufficient grounds for the actual renewal of hostilities, it will so far estrange the minds of the Ministers at least as to compel them to form connections to the disadvantage of the British Government, so that notwithstanding the forms of a reconciliation should exist, neither party will benefit by the effects of it. We therefore think it incumbent upon us to recommend to your most mature consideration the dangerous effects of your persisting still to continue that protection to Ragoba, and to desire that you will do all that lies in your power to remove the obstacle which oppose his departure from Bombay. For this purpose, we think that he should be required to make choice either of a journey by land, if Tuckojee Holecar and Madajee Sindia will give proper security to conduct him in safety which we have been assured they would do, or of a voyage by sea which might be accomplished without affecting his religious purity, if he were accommodated with a vessel fitted out and manned immediately under his orders, and by persons of his own sect, to be accompanied by one of the Company's Marine vessels for his protection. If both these expedients should be rejected by Ragoba, we must naturally conclude that it is not his intention to part with his present asylum; but that the objections which he has started to the terms proposed to him are mere pretexts, and on this ground we repeat our injunctions that he be positively required to quit the Company's dependencies, as we shall hold you responsible for all the consequences of continuing the Company's protection to him after such a refusal on his part."

If the Board should agree in the preceding resolutions, I am of opinion that a copy of them should be sent to the President and Council of Bombay with an additional declaration that we deem them solely responsible to the Company and the Nation for all the consequences of the measures they have taken, or may take, on this occasion, without our consent and approbation; and that, whereas they have not yet demanded of us any specific supply either of men or money to support the execution of the above measures, we are determined that whatever assistance we may be compelled to give them by the necessity of defending the Company's possessions on that coast, shall be strictly confined to the object of defence, and that we will never encourage or support any plan of operations calculated to carry the Company's arms beyond that line, without our consent and approbation first had and obtained, or without the express and specific orders of the Company to that effect; that, when we receive the further advices, which they promise to give us, of what is likely to be the issue of this business, we shall communicate to them our opinions and resolutions thereupon.

(Sd.) P. FRANCIS.

MR. BARWELL.—I am ready to give my opinion directly on the questions proposed from the Chair, but as it would be out of rule to give my vote upon the several points that are under consideration before the sentiments of the other Members are delivered, I shall wait their leisure. The general question on which Mr. Francis supposed the debate would naturally turn, and which he supposes to include an answer to the questions before the Board may be proper, abstractedly considered with the circumstances that must decide the political measures of every Government. The political intercourse between nations is not to be summarily pronounced upon. The variety of interests which combine and lead to the greatest objects ought not to be left unattended to, for speculative systems of peace when every instance that comes before us upon the fairest discussion strongly speaks a disposition in those whom we may regard our friends actuated by the most hostile intentions. I mean not to free the Bombay Government from entire blame in the course of their proceedings, since the ratification of the Treaty of Proonder. But it is evident to me that they would not have stood exculpated to the Company or the Nation, had they declined under that Treaty to answer the expectations of the public, and availed themselves of the favorable circumstances that were

presented. I profess (however much I may wish to see a system prevail in India that may ensure the public tranquillity of it) I by no means concur in any plan that simply professes the object which, while it sows the seeds of future trouble, the Treaty of Proonder and the acknowledgment of the Ministerial Government with the measures adopted professing an object they did not secure is now at a crisis, the Government itself, I may say, invites us to a settlement of their own dissensions, and though they are called a party of individuals, the opposite is but one single man who was concerned in the Treaty, and he to protect himself is forming connections with the French; that the party inviting Ragoba are not strong enough to introduce him to power is not to be imagined from their calling in a Foreign aid. The example seems to have been set them from the weakest faction and the alarm taken at the intrigues of that faction to introduce the French to have determined those who have the ruling influence. These observations are hastily made, and I desire they may meet with that allowance which the expression of thoughts that have arisen on the instant have a claim to. I shall possibly take a future occasion of delivering my sentiments more fully on this important subject.

Agreed that the consideration of this business be postponed till Monday next.

Fort William, the 2nd February 1778.

Secret Dept, Monday.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

Read and approved the Proceedings of the 29th ultimo.

Reconsidered the subject of the last Consultation.

Read the questions therein proposed by the Governor-General.

Mr. Wheler delivers in the following Minute :—

1st.—It being agreed by the 12th Article of the Treaty, concluded between the Company and the Mahratta State, 1st May 1776, that "no assistance is to be given by the English to Ragonath Row, or to any subjects or servants who may cause disturbances or rebellion in the Mahratta Dominions,". I do not think that the President and Council of Bombay are warranted by the Treaty of Proonder to join in a plan for conducting Ragonath Row to Poona, nor can I agree with the Governor and Council of Bombay "that the application of Sacoram Baboo, Morabee, Furnessee, Batcheba, Pundur, Tolhagee Holker, may certainly with the utmost justice be considered as an application from the Mahratta State, and treated accordingly," because those persons, be their station and influence what it may, can only be considered as constituting a party in the State, in opposition to another party headed (as it appears from the Bombay Proceedings) by Nanna Furnessee, and I do not think that we are warranted by the Treaty of Proonder to take a part in the divisions of that Government.

2nd.—In giving my opinion on the 2nd question, I must first observe that I entirely disapprove the conduct of the Governor and Council of Bombay in coming to a resolution which may, if the conditions of it are complied with by the other contracting party, involve their Government and all the British possessions in India in a war with the Mahratta State; and this without first receiving the sanction of our Board, as required by the late Act of Parliament. I differ from the President and Council of Bombay in thinking that the urgency of the case would admit of no delay. "And that there was an

imminent and absolute necessity of some measures being taken to prevent the French from getting a footing in the Mahratta Country." Their own proceedings state no facts to prove such immediate interference on the part of the French, but express their suspicions only of an agreement being made by the Chevalier St. Lubin with Nanna Furnessee, and of an express having been sent to Europe in consequence. It follows then, even on the President and Council's own state of the argument, that they have had the same opportunity as the French Agent to make representations to Europe of such negociations, and that even admitting them to take full effect there (which I hold to be very doubtful) the Company will have time to take measures at home in consequence, and to transmit their instructions for the guidance of their servants abroad; and it follows still more strongly that the Governor and Council of Bombay were not so pressed in point of time, but they might have made application to this Board accompanied with full representations of the state of affairs, and received our instructions accordingly. I do not therefore think that the President and Council of Bombay are either bound, or warranted by the orders of the Court of Directors, to give their support to the pretensions of Ragonath Row, even if they could effect it, without a violation of the Treaty; as the consent of this Board, as directed by the Act of Parliament was necessary to be first had and obtained.

3rd.—It is true *that* the Company do, in their general letter of the 5th of February 1777, say, "that if the conditions of the Treaty of Poona, have not been strictly fulfilled on the part of the Mahrattas, and if from any circumstances you shall deem it expedient, we shall have no objection to an alliance with Ragoba, on the terms agreed on between him and the Governor and Council of Bombay," yet in all their former orders, though they express the strongest desire to obtain Salsette they strictly prohibit the Governor and Council from taking possession of it by force, under any circumstances whatever, without first obtaining their permission for that purpose. And even according to the terms of the order first quoted, although the Treaty should not be strictly complied with, yet the sanction for our making an alliance with Ragoba depends, on our deeming the circumstances expedient, which from the incomplete state of the Company's forces upon the Bombay Establishment, from the total inability of their Treasury to support in any degree, the expence of a Mahratta war, from the danger and difficulty of affording them assistance from Fort St. George in case the measures, which the Governor and Council of Bombay have adopted should terminate in a rupture with the Mahrattas, and from the still greater hazard of transporting troops from hence, added to the ruinous consequences that must follow from draining this Treasury to support a war in a part of India so remote from hence, and the uncertainty of affairs in Europe which require every precaution on our part to avoid even the risque of adding to the embarrassments of Government, I am of opinion from strong and urgent reasons why an alliance with Ragoba, or any interference in the Divisions of the Mahratta State, is at this particular time dangerous and inexpedient, and in which if the party we espouse succeed in their views, the advantages are small and uncertain. If they fail, the whole burthen of a war with the United Mahratta State must fall on the Company, and perhaps be extended to all their possessions, the consequences of which are too obvious to make it necessary to point them out, and cannot be thought of without the deepest concern.

4th.—As the plan proposed by the Governor and Council of Bombay, appears to me neither consistent with the Treaty or conformable to the orders of the Company, I cannot give my consent to it.

5th.—I think the Treaty of Proonder is binding to the Company, not to take any part in the disputes with the Mahratta Government: as by the 12th Article it is agreed that no assistance is to be given by the English to Ragonath Row, or to any subject or servant of the Peshaw's, who may cause disturbances or rebellion in the Mahratta Dominions.

Consequently, the future advantages which may be obtained by negociation must neither expose the Company on the one hand to the precarious events of a war, nor the Mahrattas on the other to the hazard of internal revolutions.

6th.—As provision for and personal security to Ragonath Row are implyed in the 9th Article of the Treaty of Proonder, I can have no objection to that part of the Governor-General's question, nor that a specific sum be required to reimburse the Company for Military charges. Except that I object to Military operations being adopted.

If Bassein can be obtained on the terms mentioned in my answer to the 5th question proposed by the Governor-General, I shall most certainly give my assent to it, but not otherwise, neither shall I object to an additional grant of land to be made to the Company adjacent to Bassein or to Bombay, in exchange for Baroach and the lands ceded to the Company by Futteh Sing and for the Pergunnahs of Hanswood, Aumood and Desborah, if it can be obtained in like manner; neither have I any objections to the restriction prescribed by the Governor-General on Europeans settling upon the maritime coast of the Mahratta Dominions without the consent of the Governor-General and Council of Bengal previously had and obtained.

7th.—I am of opinion that the President and Council of Bombay shall have the usual supply of money from this Presidency and no more.

8th.—If the President and Council of Bombay shall involve themselves in a war with the Mahrattas, I am of opinion that they will require Military assistance, and that we must of necessity support them as far as we can with safety, but I am against furnishing them with the means of war.

(Sd.) Edward Wheler.

The 2nd February 1778

Mr. Francis delivers his sentiments in a Minute as follows :—

Mr. Francis.—To the five first questions proposed by the Governor-General, I beg leave to state two general objections, which, if I meant to insist on them, would, I think, justify me in declining to give any answer to questions so stated. The first is, that they do not bring directly into our view the great general question, with all its consequences of approbation or disapprobation of the measures resolved on at Bombay, that is of peace or war; but rather tend to anticipate the decision of that question by engaging the Board in a series of preliminary resolutions, of which we might not see the extent and ultimate result. I do not, however, impute this intention to Mr. Hastings. On the contrary, I acknowledge his candour in not insisting on the form of debate prescribed by the questions, and agreeing to receive the opinion of each Member in any manner he thought proper.

My second objection is, that each of the five first questions supposes some proposition to be taken for granted, the truth or possibility of which I do not admit. But, this failing, the question of course is annihilated—

1st.—I deny that the application herein stated has been made *by the ruling part of the Mahratta State.* If it has, and if they are the *ruling part,* they can reinstate Ragoba without our assistance. At all events, the Presidency of Bombay are not warranted by the Treaty of Poorunder to join in the plan.

2nd.—I deny the possibility of their giving their support to the pretensions of Ragoba, without a violation of the Treaty, which expressly declares that, "if he refuses to disband his army, we are to withdraw our forces, and are not to assist him." But, independent of the Treaty, the Presidency of Bombay are neither bound nor warranted by the Company's orders to engage in such a measure, the expediency of which is expressly left to our determination alone, by the 25th paragraph of the Company's letter to us of the 5th of February 1777.

3rd.—No plan is mentioned in the Bombay letter, nor does any seem to have been formed with the Mahratta Government, unless the Resolution to carry Ragoba to Poona be understood in that sense.

4th.—The substance of the 3rd question seems to be included in the 4th. I deem it impossible to carry into execution the measure proposed by the Presidency of Bombay, of conducting Ragoba to Poona, consistently with the Treaty, or with the orders of the Company, who have acquiesced in it. To both these questions, generally taken, my answer is in the negative.

5th.—In any treaty whatever, the contracting parties are undoubtedly entitled to as many advantages as they can obtain by negociation. But adhering as I do to the principles of that fundamental plan of policy, by which the Company themselves have limited their views on the Malabar Coast, and guided by the experience of former times and similar transactions, I do not admit that any advantages, we can promise ourselves from a treaty with Ragoba, can compensate for the hazard and expence of engaging in an offensive war in his support. But as this question cannot be more pointedly answered than in the words of the Court of Directors themselves, I beg leave to adopt and make use of them.

In their letter to Bombay of the 12th of April 1775, they say: "There is no part of your conduct more reprehensible than that of engaging, *without absolute necessity*, in military expeditions. The consequences of your proceedings are embarrassing in the highest degree, and, after succeeding against the place (*Broach*), it is mortifying to observe that our affairs are in a much worse situation than they were before those expeditions were undertaken."

6th.—Having given a negative to the interposition itself, I need not consider what terms ought to be required as a compensation for it. With respect to Bassein, I shall be at all times ready and desirous to concur in measures for obtaining it, because I know it is a favorite object with the Company; but it must be on the footing of amicable negociation, by exchange or purchase.

As for myself, I confess my opinion of the benefit of obtaining Bassein is much altered by what I have seen of Salsette. This place, so far from producing the extraordinary advantages expected from it, I believe, does not pay its expences, and this, I am convinced, will be the fate of every acquisition we make on the Malabar Coast.

7th.—No.

8th.—No.

I beg leave to add that I entirely adopt and subscribe to the arguments urged by Mr. Wheler, deeming them a strong confirmation of my own opinion.

MR. BARWELL.—Supposing the questions proposed by the Governor-General to be regularly put, I shall go through them progressively.

Questions.	*Answers.*
1. Is it the opinion of the Board that the President and Council of Bombay are warranted by the Treaty of Proonder to join in a plan for conducting Ragonath Row to Poona, on the application of the ruling part of the administration of the Mahratta State?	Most certainly.
2. Is it the opinion of the Board that the President and Council of Bombay are warranted by the orders of the Court of Directors to give their support to the pretensions of Ragonath Row, if they can afford it without a violation of the Treaty?	The orders of the Company are such that I do not think their Governments in India can decline under present circumstances to aid the pretensions of Ragonath Row.

3. Is it the Resolution of the Board that they approve the plan which the President and Council of Bombay have agreed to form with the Mahratta Government as explained in their letter now before the Board?

The scene that opens on the west side of India may, I think, engage us too far; I mean if it is pursued to the utmost extent and prosecuted with a spirit of conquest; but if confined to the simple objects of security to the English possessions, and the exclusion of the natural enemies of our Government, there can be no objection to our becoming parties to it, and giving full sanction to the Bombay Presidency in the plan it may adopt for such salutary purposes. Beyond these neither present necessity nor future safety require, nor should be allowed to influence our policy. Premising these objects to bound the Bombay plan, I acquiesce, but no further. And I give the grounds on which I found my acquiescence, because the views of the Bombay Presidency are not laid down with that precision I think they ought to have been at a crisis so important to the general interests of the nation.

4. Is it the Resolution of the Board that its sanction shall be given to the plan which the President and Council of Bombay have agreed to form with the Mahratta Government as expressed in their letter now before the Board, and that it will authorize the President and Council of Bombay to carry the same into execution by such means as they shall judge most advisable, provided these shall be such as are consistent with the Treaty and wth the orders of the Company?

I agree to authorize the Bombay President to carry into execution their plan under the description expressed in my reply to the third question, by such means as it shall judge most advisable.

5. Is it the Resolution of the Board that the Treaty of Proonder not binding the Company to take any part in the disputes of the Mahratta Government? The Company is therefore entitled to such further advantages as may be obtained by negociation as a compensation for the hazard and expence of their interposition and assistance.

The Company have a right to compensation for the assistance to be given.

6. Is it the opinion and resolution of the Board that the following are proper objects to be required and that it shall be recommended to the President and Council of Bombay to require them for the Company's interposition? *viz.* —

The following are proper objects to be obtained:—

1st.—That such reasonable and practicable security be obtained for the personal safety of Ragonath Row as he shall require?

1st.—Personal security to Ragonath Row.

2nd.—That a specific sum be required to reimburse the Company for the military charges that may be incurred by their interposition?

2nd.—A specific sum for the military charges.

3rd.—That the fort and district of Bassein be ceded in perpetuity to the Company?	*3rd.*—The fort and district of Bassein.
4th.—That an additional grant of territory be made to the Company, adjacent to Bassein or to Bombay in exchange for Broach and the lands ceded to the Company by Futtah Sing Goicawar and for the purgunnahs of Hansood, Ahmood, and Desborah?	*4th.*—Territory adjacent to Bassein and Bombay in exchange for Broach. The lands ceded by Futtah Sing Goicawar, and the pergunnahs of Hansood, Ahmood, and Desborah.
5th.—That no European settlements shall be allowed on any of the maritime coasts of the Mahratta Dominions without the consent of the Governor-General and Council of Bengal previously obtained?	*5th.*—Consent of the Governor-General and Council of Bengal to any European settlements on the Mahratta coast.
7. Is it the Resolution of the Board that the President and Council of Bombay shall be supplied with money independent of the ordinary and annual supply, and to what amount?	The Bombay Presidency should be supplied with ten lakhs immediately independent of the annual remittance.
8. Is it the Resolution of the Board that any military assistance shall be sent to the President and Council of Bombay?	A military force ought to be prepared and sent to Bombay without delay.

The Governor-General.—To the first question I am of opinion that the President and Council of Bombay are so far warranted by the Treaty of Proonder that they are not precluded from it by joining in a plan for conducting Ragonath Row to Poona on the application of the ruling part of the Mahratta State.

To the second I am of opinion that the President and Council of Bombay are both warranted and bound by the orders of the Court of Directors, and particularly by those expressed in the 25th paragraph of their general letter, dated the 5th February 1777, to give their support to the pretensions of Ragonath Row if they can afford it without a violation of the treaty.

To the third I agree with the provisions expressed in Mr. Barwell's answer to this question.

I agree to the fourth with the same provisions.

I agree to the fifth.

I agree to the sixth.

Agreed to the seventh in the words of Mr. Barwell.

I agree to the eighth, but shall not myself propose that it be carried into execution, until we receive further advices from Bombay, which will be necessary to warrant it; but I propose that the Commander-in-Chief be consulted upon this subject, and that the letter received from Bombay of the 12th December and their last military returns with such other parts of their correspondence as may be necessary for his information on this proposition be communicated to him for that purpose.

The opinion of the Board, &c.

1. Resolved that it is the opinion of the Board that the President and Council of Bombay are warranted by the Treaty of Proonder to join in a plan for conducting Ragonath Row to Poona on the application of the ruling part of the administration of the Mahratta State.

2. Resolved, that it is the opinion of the Board that the President and Council of Bombay are warranted by the orders of the Court of Directors to give their support to the pretensions of Ragonath Row if they can afford it without a violation of the treaty.

3. Resolved, that the plan which the President and Council of Bombay have agreed to form with the Mahratta Government as explained in their Proceedings of the 10th December, and in their letter of the 12th December 1777, be approved.

4. Resolved, that the sanction of this Government be given to the plan which the President and Council have agreed to form with the Mahratta Government as above expressed and that they be authorized to carry the same into execution by such means as they shall judge most advisable, provided these be consistent with the Treaty and the orders of the Court of Directors.

5. Resolved, that the Company, not being bound by the Treaty of Poorunder to take part in the disputes of the Mahratta Government, are therefore entitled to any further advantages that may be obtained by negociation as a compensation for the hazard and expence of their interposition and assistance.

6. Resolved, that it is the opinion of this Board that the following are proper objects to be required as a compensation for the interposition of the Company and that it be recommended to the President and Council of Bombay to obtain them accordingly, *viz.* :—

(1) That such reasonable and practicable security be obtained for the personal safety of Ragonath Row as he shall require.

(2) That a specific sum be required to reimburse the Company for the military charges which may be incurred by their interposition.

(3) That the fort and district of Bassein be ceded in perpetuity to the Company.

(4) That an additional grant of territory be made to the Company adjacent to Bassein or to Bombay in exchange for Broach and the lands ceded to the Company by Futtah Sing Goicowar, and for the pergunnahs of Hansood, Ahmood, and Desborah.

(5) That no European settlements shall be allowed on any of the maritime coasts of the Mahratta Dominions without the consent of the Governor-General and Council of Bengal previously obtained.

7. Resolved, that a supply of money to the amount of ten lakhs of rupees be immediately granted to the President and Council of Bombay for the support of their engagements above mentioned independent of the ordinary annual supply to that Presidency.

8. Resolved, that military assistance shall be sent to the Presidency of Bombay.

In explanation of the grounds of the 3rd resolution the Board think it necessary to remark that they understand the plan of the President and Council of Bombay to be confined merely to the objects of security to the English possessions in India and to the exclusion of the natural enemies of the British Government from any influence or connection with the Mahrattas.

Resolved, that the above resolutions be immediately transmitted to Bombay by express *Pattamars* with the following letter :—

To Bombay.—

GENTLEMEN,—We have received your letters of the 7th, 12th, and 17th December.

Having taken the last of these letters with your Proceedings which accompanied it into our fullest consideration, we have agreed to sundry distinct resolutions upon the general subjects of them, a copy of which we transmit to you for your authority and guidance.

At the same time that we refer you to these for our reply to your letter we must request that you will attend particularly to the following explanation of the circumstances and considerations on which they have been formed.

We have supposed that your intentions were to act in concert with the Mahratta Government to assist in composing its intestine divisions at the particular solicitations of its chief Minister and by means of such a policy to prevent the growth of an influence dangerous to the Company's interests to defeat the intentions of a party adverse to the Company and to promote the security of the Company's possessions. In this view we give our assent and sanction to the plan which you propose to engage in making it an express condition of our concurrence that you restrict your operations merely to the objects so required and defined and that you withdraw your forces as soon as these shall be fully accomplished.

FORT WILLIAM,
The 2nd February 1778

We are, &c.

The Governor-General delivers in the following minute :—

GOVERNOR-GENERAL.—Mr. Francis having drawn up objections to the resolution of the President and Council of Bombay, in the form of a protest, with his reasons, stated in distinct articles, I have thought it proper to copy his minute entire, and to insert my reply opposite to each corresponding passage for the better comprehension of the several arguments contained in both.

I would propose that the Board should protest, as I mean to do for myself separately, against the resolution of the Presidency of Bombay, communicated to us in their letter of the 12th December last, for the following reasons :—

I cannot agree to the motion made by Mr. Francis for protesting against the resolutions of the President and Council of Bombay, because I approve of those resolutions for the reasons which will occur in the following answers to Mr. Francis's objections :—

1. Because their resolving to join with a party in the Mahratta Government in measures tending to engage the Company in a war, or their entering into engagements to that effect, as they declare they will do instantly on receiving an application from the persons who are supposed to form the above party, without the consent and approbation of this Council first had and obtained, is against law.

1. This is a partial construction of the Act of Parliament which admits of two exceptions from the general prohibition. That no doubt may be left upon this case, I will quote the clause of the Act at large, which Mr. Francis alludes to in pronouncing the resolution of the Presidency at Bombay to be *against law*. It is as follows :—

"And be it further enacted by the authority aforesaid, that the said Governor-General and Council, or the major part of them, shall have, and they are hereby authorised to have, power of superintending and controulling the Government and management of the Presidencies of Madras, Bombay, and Bencoolen, respectively, so far and in so much as that it shall not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring, or making war, against any Indian princes, or powers, or for negotiating or concluding any treaty of peace, or other treaty with any such Indian

princes or powers, without the consent and approbation of the said Governor-General and Council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General and Council might arrive. And except in such cases where the said Presidents and Councils respectively shall have received special orders from the said United Company."

The Resolution of the Presidency of Bombay was formed in such a case of imminent necessity as would have rendered it dangerous to postpone the execution of it till the orders from this Council might arrive. A treaty concluded near two years ago, yet unaccomplished, and the grounds of a hostile alliance formed by one of the parties to the treaty, Ballajee Pundit, between the Mahratta State and the Crown of France, such were the dangers impending over the President and Council of Bombay. A measure was offered to their choice by which these dangers might be removed and averted, and it was in its nature such as required their instant acceptance or refusal, for it would have been impossible to have kept a design, planned by one of the two ruling parties in the Mahratta administration, to dispossess the other, in suspense and secrecy, till it could be communicated to the Governor-General and Council of Bengal, and receive their sanction for its execution. No other expedient could have occurred which could promise so effectually to reconcile the differences subsisting between the Governments of Poona and Bombay, nor which, if successful, could with certainty prevent the effects of the French intrigues. It was therefore a case of equal danger and necessity, and such as justified the resolution taken upon it by that Presidency on its own separate authority.

2. Because it is equally against the Company's instructions, in their general letter of April 1777, by which the expediency of any future alliance with Ragoba is expressly left to *our* determination.

2. The Company's instructions to which this passage refers are contained in the 25th paragraph of their general letter of the 5th February 1777, which runs as follows:—

"You cannot but observe that we have hitherto supposed the affairs of Ragoba are rendered desperate, and that the Ministers at Poona maintain their ground, and constitute at present the Mahratta Government. We are never-

theless of opinion that an alliance originally with Ragoba would have been more for the honour and advantage of the Company and more likely to be lasting than that concluded at Poona. His pretensions to the supreme authority, either in his own right, or as guardian to the infant Peshwa, appear to us better founded than those of his competitors, and therefore if the conditions of the Treaty of Poona have not been strictly fulfilled on the part of the Mahrattas, and if from any circumstances you shall deem it expedient, we have no objection to an alliance with Ragoba, in the terms agreed upon between him and the Governor and Council of Bombay."

These instructions were immediately addressed to the Governor-General and Council, as they related to a point depending on their general controul, but must be supposed to include the same exceptions as the prohibitory clause above quoted in the Act of Parliament. The same sentiments are expressed in the General letter of the 16th of April 1777 to Bombay, and almost in the same terms, without any direct restriction of them to the exclusive authority of the Governor-General and Council, which it is not probable that the Company would have omitted had it been intended to bind the President and Council of Bombay in the execution of them, further than they were already bound by the Act of Parliament. Disobedience of orders necessarily implies the existence of orders Those supposed in the present case must be orders forbidding an alliance with Ragoba, but the declaration made of orders given to the Governor-General and Council of Bengal to form an alliance with Ragoba cannot possibly admit the construction of orders given to the Presidency of Bombay not to form an alliance with him. The resolution therefore of that Presidency, so far as it tends to the formation of an alliance with Ragoba, is not a disobedience of orders, nor, to use Mr. Francis's words, is it "against the Company's instructions." On the contrary, I am of opinion that the general tenor of their instructions, the urgency of the occasion, and the legal latitude allowed them, amount by their combined weight to an obligation on the President and Council of Bombay to act in such a case as they have done.

3. Because it is a violation of the 9th and 10th articles of the Treaty

3. The 10th and 12th articles, which I suppose to be here meant, express

concluded between the Governor-General and Council and the Peshwa.

that the English shall withdraw their forces from Ragonath Row, and that they shall not assist him, that is, that they shall not take his part against the Mahratta Government, as the 12th article expresses in terms. But if that Government itself adopts the party of Ragonath Row, and solicits the assistance of the English in his behalf, it can never be inferred from their compliance that they are guilty of a violation of the Treaty. It will be remembered that the only persons who have signed the Treaty on the part of the Mahrattas are Succaram Pundit and Ballajee Pundit, not as principals, but as the professed representatives of the Peshwa who is yet an infant. Of these, Succaram Pundit is acknowledged to be the superior, being by office the Dewan. To him only all our first letters were written, and Colonel Upton's credentials were addressed, as to the person in whom the legal administration was vested. By the constitution of all Indian Governments the executive power is always held by the hands of a single man. The person of the Peshwa, and his seal, by which all acts of Government are authenticated, are in the possession of Succaram Pundit, whose acts are therefore the regular acts of Government, whilst the members of it continue divided. He is supposed to have invited the Presidency of Bombay to unite with him in giving assistance to Ragonath Row, and we have received assurances from that Presidency that they will not comply with the invitation until they shall receive the due evidence of its authenticity. Their assistance of course will be granted equally to the Mahratta State as to Ragonath Row and to the Peshwa, the actual ruler of the Mahratta State. It is not therefore a violation of the Treaty concluded between "the Governor-General and Council, and the Peshwa."

4. Because such violation of a public Treaty between two States is not to be justified by the reasons assigned for it, *viz.*, that a number of individuals in one of those States are inclined to engage in measures subversive of all or any of the stipulations of such public Treaty, and have privately applied for assistance in carrying such measures into execution.

4. This objection appears to me to consist in a simple denial of an argument erroneously stated. The proposition which it introduces is incompatible in terms. A violation of a public Treaty cannot be justified by any reasons assigned for it. The reasons assigned by the President and Council of Bombay are not that *a number of individuals in the Mahratta State are inclined to engage in measures subversive of all or any of the stipulations of the Treaty, and have privately applied for assistance, &c.* But that the ruling member of the Mahratta State has himself

removed the obligation of the Treaty, which relates to the person of Ragonath Row, by desiring the English to grant that assistance to Ragonath Row in behalf of the Mahratta State which they had before pledged their faith to him to withhold while he was considered as an enemy to that State. The reasons thus assigned appear to me to be a complete justification and acquittal of the President and Council of Bombay, in their supposed acquiescence, from the charge of having violated the Treaty.

5. Because even the evidence of such a disposition in the persons alluded to appears to us very uncertain and defective, being no more than a private verbal message from them to Mr. Mostyn's substitute at Poona, meant perhaps for no other purpose but to discover our intentions with respect to Ragoba, and which they may disavow at pleasure.

5. If the measures of the President and Council of Bombay had been decidedly taken on such weak grounds as are supposed in this objection, their conduct would have been truly reprehensible. The contrary appears on the face of their proceedings. I have not either of the copies before me, understanding that they are in circulation, but I trust securely to my memory in affirming that their resolutions are guarded with all the cautions which such a case demanded, with perhaps one exception. They had done nothing in the overtures made to them, but had only agreed on what they would do, if these were confirmed and authenticated by an instrument in writing, signed by the Minister and his colleagues, and sealed with their seals, and delivered by a person deputed by them expressly to the Governor. Such evidence will be certain and complete, and on such evidence only have the President and Council of Bombay resolved to enter into engagements with the Minister.

6. Because there are no proofs before us to warrant our giving credit to an assertion so improbable, as that Succaram Baboo, whose letters to the Governor have been constantly and are to this time filled with complaints against the non-execution of the Treaty, and particularly of the protection given to Ragoba, should voluntarily enter into private engagements to restore Ragoba to the Regency, and solicit the assistance of the Presidency of Bombay for that purpose.

6. We have been long since informed of the natural jealousies of the two Ministers, this is an effect which requires no evidence of facts to prove it, it being physically impossible for two men, sharing with equal power, and without any constitutional right, the chief administration of a despotic Government to maintain their union entire against the competitions excited by their particular interests, or the more interested suggestions of their respective partizans and dependants. Added to these causes, which are common to all men placed in a condition similar to theirs, their prospects and dispositions are such as must draw them in contrary directions, and this too is a consequence which simple speculation may form independent of formal evidence. One is disqualified for action by the infirmities of old age, and whatever influence his ambition might have had on his

mind when he first engaged in a scene of troubles, this must have wholly forsaken him with the object which most probably excited it, in the loss of an only son. To such a man, ease and personal safety are the only comforts that life can present to him, or that can animate him to any degree of temporary exertion. We are accordingly told, and on authority of credit, that he resides entirely in the fortress of Proonder, which is his own property, with the infant Peshwa in his possession, and (as I have heard) a considerable hoard of treasure, which he refused to part with, even at the time when his colleague was involved in great difficulties by the want of money to pay the army which had mutinied for their arrears. The other is yet in the active season of life, supported partly by the personal interest of his associate joined to his own, partly by the attachment of Hurry Punt Fuckia, the Commander-in-Chief of the forces of the Mahratta State, and partly by the immediate direction of all the current business of Government, which he has either assumed, or his partner has left to his sole charge. To such a man it was an obvious and necessary policy to employ the present means for precluding all future competitors, and for securing the first place in the State in the event of the death of Succaram Baboo. The means employed for such an end and especially the provision made of a foreign alliance to promote it, could not fail to heighten the suspicions of his present rival, and to breed disaffection in others. If Succaram Baboo can obtain the assured conditions of personal safety, and the unmolested possession of his own property from Ragoba, I see no cause to regard his acceptance of them as improbable, although he should have joined in more adverse acts against Ragoba than that instanced by Mr. Francis of his complaint of the protection granted by the English to Ragoba, whilst his own interest and safety appeared to be endangered by it.

I am not certain whether I may not misconceive the tendency of this and the preceding objection, but they seem to me to imply that the late overture made to the Presidency of Bombay by Succaram Baboo and his party through Mr. Lewis may have been an artifice concerted between them and Nanna Furnessee himself, not only to discover our intentions with respect to Ragoba,

but to gain the possession of his person and to destroy him. This would be a very dangerous policy both to the Ministers themselves, if they were sincerely united in it, as it would draw on them a very unnecessary scene of troubles, which from past experience of the success which has generally attended the English arms, they have no great cause to solicit, and particularly to Nanna Furnessee, as it would place him precisely and truly in the situation which it was intended to feign, and leave him at the absolute mercy of his accomplices, if they chose to convert a pretended plot against him into a real one. In effect I should consider the existence of such a design as in the nature of things impossible.

7. Because admitting that a party has been formed to support the pretensions of Ragoba, such a party is either strong enough to accomplish their purpose without our assistance, consequently our interference is unnecessary, or if their own strength be in itself unequal to the enterprise, they will then want an immediate and continued support which the Presidency of Bombay is in no condition to give them. In their letter of the 7th December they tell us that their European battalions are greatly deficient of their proper complement, which they have no means or prospect of completing, and that notwithstanding they give every encouragement, it is very difficult to raise good sepoys on that coast. That they are unable to co-operate with the other Presidencies in case of an attack upon either of them, that limited as their power is, and unprovided as they are with resources, they cannot exert themselves as the occasion requires, they can do no more than represent their situation and circumstances to us, &c.

It follows then that the Resolution of the Bombay Presidency to carry Ragoba to Poona may involve us in a war, in which the safety of our possessions on the Malabar Coast may be immediately hazarded, and which can in no way be supported hereafter, but by supplies of men and money from Bengal.

7. I agree with Mr. Francis that the Presidency of Bombay is unable to support a continued war, but by supplies of men and money from Bengal. This is an argument to supply them with men and money, but it is not in itself an objection to their resolution, if their own means are equal to its immediate execution and to its support until they can be assisted from Bengal. This Government can assist them with both men and money and, I trust, without feeling the want of either, for the support of its own concerns. By the last returns from Bombay, the gross number of their different military corps stood as follows :—

Artillery, rank and file	.	. 261
European infantry,	do. .	. 783
Sepoys	do. .	. 5,621
Irregulars	do. .	. 1,231

The force of this Presidency was much less at the Battle of Plassey. It was much less when it was at the same time occupied in the defence of these Provinces against the Shahzada, and in the expedition under Colonel Forde against Masulipatam, and it was much less when, unsupported by any country power, it wrested the Provinces of Bengal and Behar from the hands of Cosseem Ally Cawn.

I have no doubt of their being in a state to enter upon the measures which they have proposed. The distance of Bombay from Poona is but a march of four days. I am informed that Mahdajee Sindia and Tukojee Holkar were both encamped in the neighbourhood of Poona with about 20,000 horse. They are, if the association has taken place, in the interest of Ragoba. Hurry Punt

Fuckia was, I am informed, on the banks of the River Kistna, at a place called Kistna Teer, with the main army of the Mahratta State, engaged in a war with Hyder Ally. He is represented to be attached to Nanna Furnessee, but can afford him little service on such an occasion, and at such a distance. Such is the present state of the parties in which the event of an undertaking, such as has been proposed by the Presidency of Bombay, is likely to depend, at least such I have gathered it to be from authorities unconnected with those of Bombay. I shall not presume to draw any conclusions from such uncertain and variable materials, but I am satisfied that all appearances, such as they are, are favorable, and convinced that it depends on the prudence of the Government of Bombay to prevent the Company's affairs from suffering any prejudice by the proposed engagement, if they should even fail to derive any instant benefit from it.

8. Because it is at all times the duty of this Council to give their utmost attention to the preservation of peace in India, but at this conjuncture more particularly than at any other, while a considerable part of the national force is employed in America, and while the apprehension of a war with France and Spain hangs over the Councils of the nation.

8. The argument which is here introduced as an objection to the proposed measure would, in my judgment, be better applied to the defence of it. If the apprehension of a war with France and Spain hangs over the Councils of the nation, we relieve them from a considerable share of their apprehension, by establishing a firm interest in the most powerful State of India, and by checking in its first growth the seeds which the French have sown of an alliance with it, and which, if suffered to grow to maturity, may prove fatal to the British possessions in India. At the same time it is the most unexceptionable way by which the French designs could possibly be obviated, as they have no ostensible or direct concern in these disputes, but will be eventually crushed by the overthrow of their friends, whereas by waiting till they have acquired an establishment in the Mahratta Dominions, we shall be reduced to act openly against them, which we cannot do without an immediate additional hazard, nor without involving the two nations in a war.

9. Because the requisition made by the Presidency of Bombay to that of Fort St. George for a body of troops for any purpose but that of immediate self-defence without our consent and approbation appears to us highly irregular, and in its consequences dangerous, as it tends to de-

9. A like application was made by the Presidency of Bombay to that of Fort St. George in the year 1775, with which in a letter written to the latter on the 7th September we forbad their compliance. The sentiments expressed by the Court of Directors in the 45th paragraph of their commands of the

feat the intention of the legislature in the institution of this Council, and to make it impossible for us to provide for the safety of the British Empire in India, by any general plan of measures. It is not possible that the Company's forces should act under a steady and united direction for the general safety and defence of our possessions, or move together in any one plan of action, as long as the respective disposition of the forces of each of the other Presidencies is liable to be altered without our knowledge or consent.

10. Because the resolution taken by the Presidency of Bombay, not only stands in direct contradiction to the authorities and engagements hereinbefore recited, but more especially to the instructions of this Council unanimously agreed to on the 18th August last, which they appear to have totally disregarded, and which it is our duty to support and insist on, I desire the second paragraph of that letter may be read.

The first point has undoubtedly afforded just cause of offence and jealousy to the Mahratta Government. We wish that Ragoba had been induced to accept the terms of conciliation lately offered to him by the Ministers, to reside at Benares with a jagheer of five lakhs of rupees per annum in the neighbourhood of Cullpee. These conditions, though they effectually removed the objections formerly made by Ragoba against the terms formerly secured for him by the Treaty, were excepted to by him on account of the difficulty of proceeding to Benares from the danger that he thought his person would be exposed to in a journey by land, through the Mahratta Domi-

24th December 1776 on that interference is so pointedly opposite to the objection now stated by Mr. Francis, that I shall insert an extract of that paragraph as a complete reply to it—

"We are sorry to observe that you appear to entertain an opinion of the controulling powers vested in the Governor-General and Council of Bengal over our other Presidencies, beyond what in our opinion is authorized by the late Act of the Legislature. This observation arises from your interference with our Governor and Council of Fort St. George to prohibit them from sending troops out of their own districts for aid to our Settlement of Bombay. Although the said Act expressly forbids any of the other presidencies to engage in political negociations with the natives or foreign nations, without the participation and concurrence of the Supreme Council, yet it certainly leaves each distinct Government power to take from time to time such steps as the immediate exigency of their affairs may require for self-defence or protection, or for the necessary aid or assistance to be given to other settlements, and on this principle we must disapprove your interference in this case."

10. While I was preparing the minute recorded on the 26th January, and written before the receipt of the late advices from Bombay, I caused the last of these expedients to be stated in a case referred to a learned Pundit for his opinion upon it. I intended it at that time for my own information only, and it was on the strength of this opinion that I declared the expedient to be impracticable in the minute above mentioned. I shall now enter the question stated to the Pundit, his answer, and a note of Mr. Elliot's which accompanied it, and produce the originals of each at the Board for further satisfaction.

Question.—" A Brahmin of high caste is desirous of visiting Bengal from Surat. It is proposed that he shall be attended by persons of his own sect, and that the vessel on which he may embark for this voyage shall be navigated solely by Hindus. Will this voyage in any shape affect his religious purity, or hinder him from performing the necessary and indispensable rights and forms of devotion?

Note from Mr. Elliot.

"I send you the solution to your question by the Court Pundit, the only

nions, and his religious scruples against a voyage by sea.

"We can see no reason to doubt that the presence of Ragoba at Bombay will continue to be an insuperable bar to the completion of the Treaty concluded with the Mahratta Government, nor can any sincere cordiality and good understanding be established with them as long as he shall appear to derive encouragement and support from the English. On the contrary we think that although it may not furnish sufficient grounds for the actual renewal of hostilities, it will so far estrange the minds of the Ministers at least as to compel them to form connections to the disadvantage of the British Government, so that notwithstanding the forms of a reconciliation should exist, neither party will benefit by the effects of it. We therefore think it incumbent on us to recommend to your most mature consideration the dangerous effects of your persisting still to continue that protection to Ragoba, and to desire that you will do all that lies in your power to remove the obstacles which oppose his departure from Bombay. For this purpose we think that he should be required to make choice either of a journey by land, if Tukojee Holkar and Mahdajee Sindia will give proper security to conduct him in safety, which we have been assured they would do, or of a voyage by sea which might be accomplished without affecting his religious purity, if he were accommodated with a vessel fitted out and manned, immediately under his orders, and by persons of his own sect to be accompanied by one of the Company's marine vessels for his protection. If both these expedients should be rejected by Ragoba, we must naturally conclude that it is not his intention to part with his present asylum, but that the objections which he has started to the terms proposed to him are mere pretexts, and on this ground we repeat our injunctions that he be positively required to quit the Company's dependencies, as we shall hold you responsible for all the consequences of continuing the Company's protection to him after such a refusal on his part."

one I could immediately find. He is a man much respected for knowledge. He added in conversation that a single European or other *infidel* would preclude the Brahmin from making the voyage.

(Sd.) A. ELLIOT.

Translate of the Pundit's answer.

"If all the men in the ship are Hindus and all *Jowlbuhharge,** or men from whose hands it is not impure to receive water to drink and two or three Brahmins should accompany him, and he eats, drinks, washes, and prays, &c., according to the Shaster, then he will not suffer in his caste, and in the case stated he may come up on a ship."

(Sd.) SERREE RAM KISSHUN SURMA,
The Court Pundit.

I am assured that though it is customary for Hindus to navigate vessels on the West Coast of India, yet they are always joined with Mahometan lascars, who are constantly employed in the most difficult manœuvres of the ship, and in the working of their guns. And the society of such men being themselves polluted, is, as is well-known, equally forbidden to the more scrupulous Hindus, with that of the professors of a different religion. This expedient was therefore impracticable. What objections—either Ragoba's distrust of Mahdajee Sindia and Tukojee Holkar, or their refusal to give the requisite securities—might have created to the other expedient, we cannot know because time was not given for the trial of either. But had either been practicable, it ought not to have prevented the President and Council of Bombay from accepting a proposition which promised so much more effectual a conciliation of the differences subsisting between them and the Ministers, and at the same time accorded so perfectly with the declared wishes of the Court of Directors. It was not forbidden by our orders, for these professed only to prescribe the only means which had occurred to us for the first of these ends, nor had any reference to a case which we neither foresaw nor imagined.

* *Jowlbuhharge* is a term which includes nearly all the castes of Hindus, the very lowest only being excepted.

If the intentions of that Presidency in this instance are justified by the Act of Parliament, as I have proved; if they were such as the Company's orders not only justified but required, which I have also proved; no inferences drawn by forced implications, from the orders of this Government, can deprive them of their rectitude, which they derive from such superior warrants. In truth whatever cause the President and Council of Bombay have formerly given to this Government to charge them with a want of due attention to its authority nothing could be more unjust than to impute that fault to them on this occasion, if it be admitted, as it must, that the resolution which they proposed to take was such as could not possibly wait the sanction of this Government.

As soon as it came in contemplation before them, and before they had either formed the plan of their operations, or proposed the advantages to be obtained by them, they instantly apprised us of it, and thereby furnished an argument against themselves, to charge them with the neglect of those essential considerations, in their precipitancy to communicate to us the first suggestions of a design of such importance to the political interests of the Company.

If the Board should agree in the preceding resolutions, I am of opinion that a copy of them should be sent to the President and Council of Bombay with an additional declaration that we deem them solely responsible to the Company and the nation for all the consequences of the measures they have taken or may take on this occasion without our consent and approbation, and that whereas they have not yet demanded of us any specific supply either of men or money to support the execution of the above measures, we are determined that whatever assistance we may be compelled to give them by the necessity of defending the Company's settlements on that coast shall be strictly confined to the object of defence, and that we will never encourage or support any plan of operations calculated to carry the Company's arms beyond that line without our consent and approbation first had and obtained, or without the express and specific orders of the Company to that effect; that when we receive the further advices which they promise to give us of what is likely to be the issue of this business, we shall communicate to them our opinion and resolution thereupon.

Mr. Barwell.—As a division has unhappily arisen on the present question on the measures adopted by the Government of Bombay and the responsibility of the approbation expressed in the votes of this day pointedly fixed on the approving members, that it may not be supposed I admit in the least degree the objections that now appear upon the proceedings, I adopt entirely the Governor-General's reasonings upon the subject of them and subscribe my name as fully to his minute, as if it had been written with my assent and participation.

Mr. Francis.—Much might be said in defence of those opinions, which the Governor-General has been pleased to canvass so minutely; but as the argument would turn chiefly upon the construction of words, on nice distinctions in forming such constructions, and probable inferences deduced from them, I shall not enter into it. I do not expect that such an argument would

be attended to at home, nor do I think that it affects the principle, on which a question of the magnitude of that, which is now before us, ought to be determined. I shall leave it to a higher tribunal to determine, whether the case of *imminent necessity*, described by the legislature, relates solely to measures of self-defence, or includes all others according to the opinion, and at the discretion of the subordinate Presidencies, and whether, when the Company say, "That if, from any circumstance, our Governor-General and Council shall deem it expedient they have no objection to an alliance with Ragoba," they mean to refer that question solely to *us*, or to subject it to a sort of concurring jurisdiction in the Government of Bombay. If they meant the last, it might have received two opposite decisions, and that the inferior jurisdiction might, by acts done upon their own principles, decide upon it against our judgment and resolutions. I shall also leave another question untouched, *viz.*, whether the care of Ragoba's caste is an object of such importance to this Government, that we are to hazard a general war in India for the sake of preserving it. I have but one more observation to make on the Governor's minute. In reply to my objection to the requisition made by the Presidency of Bombay for Military assistance from that of Madras, he quotes a letter from the Company, from which he concludes that, in the opinion of the Court of Directors, we are not entitled to forbid such requisitions. I do not admit that, in any case whatever, especially a case of such great importance as the present, arguments are ever answered by authorities; but I contend that the sense of the Court of Directors, even in the paragraph so recited, does not stand in opposition to the opinion stated in my former minute. It supposes that the subordinate Presidencies may lawfully apply for assistance to each other, as the immediate exigency of their affairs may require for self-defence and protection. This case is included in that of the imminent necessity stated by the legislature, and I have never denied that self-defence and protection did not authorize the subordinate Presidencies to take measures, tending to those purposes only, without our previous consent and approbation.

Letter to Bombay, 16th April 1777.

Fort William, the 23rd February 1778.

Secret Dept.,
Monday.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The Governor-General having sent the following proposition to the Secretary on Saturday afternoon, with directions to circulate it to the other Members of the Board, it was immediately sent round :—

The Governor-General proposes that the following draft of a letter be immediately written to the President and Council at Bombay, in reply to their advices now before the Board, by the *Ravensworth*, the Commander of which ship he understands will leave town this evening. He at the same time submits to the consideration of the Board and for their determination the propositions included in the letter :—

To Bombay.—

GENTLEMEN,—We have now to acknowledge the receipt of two letters from you dated the 3rd and 20th ultimo, and two from Mr. Mostyn, under date the 19th and 24th ultimo.

We refer you to our letter of the 2nd instant, a triplicate of which you will receive by this ship, for our resolutions passed on the receipt of your advices of the 12th December.

For the purpose of granting you the most effectual support in our power we have resolved to assemble a strong military force near Calpee, the Commanding Officer of which will be ordered to march by the most practicable route to Bombay, or to such other place as future occurrences and your directions to him may render expedient.

Although the event of the overtures which have been made to you yet remains doubtful, we cannot help being exceedingly alarmed at the steps which are taking by the French to obtain a settlement on the Malabar Coast, so near to Bombay, and to establish a political influence in the Mahratta State, the immediate object of which must be the overthrow of your settlement, and the future consequences dangerous to the Company's possessions in the other parts of India. We are therefore of opinion that no time ought to be lost in forming and carrying into execution such measures as may most effectually tend to frustrate such dangerous designs especially as the season is so far advanced that the rains might set in before we could furnish you with any military assistance if we waited for definitive advices from you. We propose therefore to give immediate orders for collecting the force above mentioned. We shall direct it to march as soon as the stores shall be provided, and the other necessary preparations completed, unless from any intermediate advices received from you we shall judge the prosecution of this design unnecessary.

We shall use every precaution which can depend on our care or influence for ensuring a safe and unmolested passage to the detachment, and obtaining regular supplies of provisions on its march, and we earnestly recommend to you to assist us in these objects. For this purpose we shall direct the Commanding Officer to advise you continually of his progress and wants, and shall place him under your command from the day on which he shall move with the forces under his charge.

We are, &c.

FORT WILLIAM,
The 23rd February 1778.

Read the following opinion delivered by MR. WHELER.

MR. WHELER.—I object to the Governor-General's letter intended to be written to the President and Council of Bombay, because, supposing the Board had already resolved to grant that President and Council a military force equal to the effectual support of one part of the Mahratta State against the other, which I do not think advisable, the route, which the troops appointed for that service are to take, is neither fixed or ascertained, but left to the future determination of the Governor and Council at Bombay, or to the pleasure of the Commanding Officer. And more particularly because it is not, previous to the march of the troops, in any degree ascertained that the reigning powers, through whose dominions it shall ultimately be judged expedient for them to pass, are either in union or alliance with the India Company, or that they are disposed to give such aid and assistance to the support of the detachment, as the Commanding Officer may from time to time require, without which assistance and security I am apprehensive we shall expose the detachment to imminent risque.

Upon the whole I am of opinion that the plan now proposed of marching a small detachment of troops into a distant and remote country, without first securing the friendship and alliance of the governing powers, is contrary to all system, and will prove destructive in practice.

To involve the Company in a dispute with the French upon the subject of negociations, which are said to have been carried on for the purpose of obtaining a settlement on the Malabar Coast, and likewise for the purpose of establishing a political interest in the Mahratta State, requires a more minute attention

than the time allotted will admit; nevertheless that part of the Governor's letter which acquaints the Governor and Council of Bombay that "no time ought to be lost in forming and carrying into execution such measures as may most effectually tend to frustrate such dangerous designs" is, in my opinion, extremely objectionable, because a paragraph so loosely worded may involve not only the India Company, but likewise the English nation in a war with France, and because I do not think we should be justified in commencing hostilities against the French for the avowed purpose of depriving them of commercial advantages, said to be acquired by Treaty. If therefore the French have already obtained or are likely to obtain advantages from their negociations with the Mahratta States, we should endeavour to counteract those advantages by negociation, and not by force; but, above all, we ought to be particularly careful at this time to render our instructions to the Governor and Council of Bombay so plain, distinct and obvious as not to afford them the smallest plea or pretence to become the aggressors, by commencing hostilities against the French, and as Mr. Mostyn has given it as his opinion that no agreement has yet been made between the Mahrattas and the French, I am induced to believe that it will require no great ingenuity or address to counteract their intentions.

(Sd.) EDWARD WHELER.

The 22nd February 1778.

GOVERNOR-GENERAL.—I must beg leave in this place to reply in a very few words to Mr. Wheler's minute, which I think is grounded on a misconstruction of my motion. I have not yet formally proposed the route which is to be taken, because the formation of the detachment, if it is to go, is the object that requires an immediate determination; but I do not propose that it should be left either to the Commanding Officer, or the President and Council of Bombay. I have already determined the route in my own mind; these I will mention verbally to the Board. I hope it is not necessary yet to put them on record. I have had opportunities of studying the interests and dispositions of the different powers of Hindustan and the Deccan, although we have had little intercourse with them, and, from the knowledge which I have obtained, I believe the march from Calpee, at least as far as Barrampore, to be practicable and easy, and to lead through the country of our friends; beyond that I cannot answer, but the distance is so small that I have no doubt of making the remainder of our way good, whether it shall lead us to Poona, to Bombay, to Surat, or to Broach, even by force, if it should be necessary. Mr. Wheler has said that the following paragraph in the letter proposed to be written to Bombay is so loosely worded that it may involve not only the India Company, but the English nation in a war with France, *viz.*, "No time ought to be lost in forming and carrying into execution such measures as may most effectually tend to frustrate such dangerous designs." I should deserve to forfeit the place which I hold, were I wantonly or studiedly to engage this Government in measures which should have such a tendency, if it could be avoided. The words which are above quoted are not the words in which the plan is described, which we are to undertake, but they are the grounds or reasons on which the plan is concluded; all the public advices from Bombay and Poona, corroborated by intelligence through other channels, prove beyond a doubt that the French have already formed a close and intimate connection with the ruling administration of the Mahratta State, have obtained possession of a port, not a port of trade, but a door for the introduction of arms and troops into the Mahratta country, almost within sight of Bombay; that they have promised a military assistance to the Mahrattas, which, whether expected from France or from their garrisons at the Isle of Mauritius, may in the course of a few months be landed on the Mahratta Coast. The French already affect to speak of the Port of Choul as their own; I have informed the Board of an express, which I have every reason to believe has been lately sent by M. Chevalier to the Malabar Coast, addressed both to Monsieur Bellecombe and the Chevalier St. Lubin. I shall not be surprised if the next month's intelligence should inform us that Monsieur Bellcombe, the Chief of all the French Establishments

in India has made his personal appearance at Poona. It is, and always has been, my opinion, and I believe that I have more than once expressed it on these records, that if ever the French make any attempts to regain their former power and influence in India, it will not be a naval armament, which I repeat is impracticable, but by the previous possession of a political establishment in the dominions of some country power of the first consideration. There are but two powers whose alliance would avail them—Hyder Ally and the Mahrattas. The former will no doubt, upon principles of good policy, keep upon good terms with them, but will never attach himself so closely to them as to become their dependant. The present rulers of the Mahratta State are precisely in that situation, which will make them greedily catch at the offers made by the French of their alliance, and to make any sacrifices to obtain it, and I lay it down as a point incontrovertible, that if a detachment of much less than 1,000 Europeans, with arms for disciplining a body of Native troops in the European manner, shall have once obtained a footing in the Mahratta country, as the allies of that Government, all the native powers of Indostan united will lie at their mercy, and even the Provinces of Bengal be exposed to their depredations. The French therefore have now seized on the only means by which they can ever become formidable to us in India, and it is to avert the dreadful consequences of such a design that I have proposed to strengthen the hands of the President and Council of Bombay, and to enable them to counteract it. It is impossible to form a plan completed for this purpose, because it must depend upon circumstances, and even in a great measure upon the operations of our enemies. It must be left to the Presidency of Bombay, to whom nothing is necessary to be afforded on our part but a strength adequate to the calls which they may have to exert it. I have therefore proposed that the detachment, which may be formed, shall be ordered to march as soon as it is formed, to the assistance of Bombay, and this, I apprehend, is all that is at present necessary. I do not propose that they should act against the French, but be ready to oppose any designs of the French, to oppose any designs of the Mahrattas, if the Mahrattas should prove our enemies, or to assist the Mahrattas if that part of the Mahratta State with which we are in alliance should require it. There is nothing in this intention that can possibly involve the nation in a war with France, since the French are not the declared object of the present enterprize, and we have even the authority of the Peishwa and Ministers themselves to affirm that the French have no connection or concern in their affairs, but have been received simply on the footing of hospitality, and that civility which is due from one State to another.

Some time will be required to form and equip the detachment before it can march. It is not necessary to send any instructions to the Governor and Council of Bombay respecting the application to be made of this reinforcement until it shall have actually begun to move, but I shall have no objection, and I think it highly proper, to enjoin them in the strictest manner, that they do not on any pretence become the aggressors by commencing hostilities against the French, nor yet against the Mahrattas, but to continue to adhere, as they assure us they will do, to the strict letter of the treaty subsisting between the Company, and the present administration of the Mahratta State. I never understood it supposed that a formal grant by sunnud had been made to the French of the Port of Choul, but it is notorious that the French are in possession of that port, and although Mr. Mostyn does declare, nearly in the words made use of by Mr. Wheler, that a person well and officially informed had assured him that he did not believe there was any agreement entered into between Monsieur St. Lubin and the Darbar, yet what he adds in the words immediately following prove that Mr. Mostyn himself did not mean by this expression to contradict the belief that an agreement had passed between Monsieur St. Lubin and Nana Furnese. His words are as follows :—" It therefore appears to me that the writing alluded to by my superiors can be no other than the private treaty between Monsieur St. Lubin and Nana Furnese, of which your honor, &c., were informed under the 29th November." This mode of allusion implies that Mr. Mostyn had not even a doubt of the private agreement which had passed between Nana Furnese and Monsieur St. Lubin.

Since writing the above I have verbally mentioned the precautions which I have already taken for securing a free and peaceable passage for the detach-

ment whenever it shall march. We cannot wait for their effects because the season will be too far advanced, but if in the interval between the orders which may be issued for forming the detachment, and the time proposed for the commencement of its operations, either the advices which we may receive from Bombay shall render their march unnecessary, or any better means can be suggested for obviating and frustrating the designs of our enemies. In either case I will gladly agree to remand the troops to their respective corps, and as Mr. Wheler has said that if the French had already obtained, or are likely to obtain, advantages from their negotiations with the Mahratta State, we should endeavour to counteract those advantages by negotiation, and has even concluded with expressing his belief that it will require no great ingenuity or address to counteract their intentions. I hope he will point out the means by which a negotiation of this kind can be conducted with success, and the offers which may be made to induce the Minister to cancel his engagements with his new allies, and to accept of the friendship of the English Company in their stead. I ask this not from any desire of combating an argument, but of obtaining either such lights as may be afforded on that side of the question, and profiting by them for the peace and easier conduct of the Company's affairs, on a clear conviction that no negotiation whatsoever will avail with the powers of this country that is not immediately and pointedly directed to their interests or their fears.

Mr. Wheler.—It is evident from the explanation which the Governor has given of his letter that no part of my minute was either grounded upon error or misconstruction. The Governor asserts that the French are now in possession of a port, not a port of trade, but a door for the introduction of arms and troops into the Mahratta country, almost within sight of Bombay. I request that the Governor will favor this Board with his authority for that assertion, and likewise explain what he means by "possession."

Governor-General.—I hope Mr. Wheler does not expect that I shall give up my time to the examination of all the voluminous papers which have been written upon this subject. That the French are in possession of the Port of Choul has been asserted in the letters from Bombay and Poona, in the intelligence transmitted from the Nabob of Arcot, in other papers of intelligence, and it has been charged to the Minister as I think, in letters written from hence, the French ships have been for near this twelvemonth past at Choul, their goods have been landed at Choul, and continued there, when the last advices were dispatched from thence, this use of the port is present possession. The sunnud or grant can only give them property.

Mr. Wheler.—I certainly do not mean to give the Governor any unnecessary trouble. I thought the assertion a very extraordinary one, especially as I had not met with any grounds for it upon the Company's records. I do not consider the landing of goods without interruption for a twelvemonth as a proof of right or possession of a port.

Governor-General.—Whenever these minutes shall be read in England the Company will be possessed of much more authentic evidence than can be given here either in proof that the French are in possession of Choul, or that they are not in possession. It is unnecessary therefore for me to continue to affirm my belief of the fact, nor will any contradiction invalidate it.

Read the minute delivered by Mr. Francis on the proposed letter to Bombay, which was circulated on Saturday, the 21st February 1778.

Mr. Francis.—I disapprove of and object to every part of the letter proposed by the Governor-General to be written to the Presidency of Bombay. The measure which it states as resolved on, *viz.*, "of assembling a force at Calpee, with conditional orders to march to Bombay," has not yet been debated, or even proposed in Council, much less have the objections, to which such a step is liable, and the consequences which may attend it been duly considered.

At present I have no idea of any arguments that can induce me to consent to the march of four battalions of sepoys into the heart of Indostan through an immense tract of country in which we have no alliance or connection whatsoever, no magazines, nor a single place of strength to retreat to. I will not be answerable for the consequences of hazarding a detachment of our troops, which we can very ill-spare, upon an expedition in which they will probably be cut off, and for no purpose but to support an offensive war, which I do not doubt will soon become general.

I beg leave to say that I am not at all alarmed at the steps supposed to be taken by the French for obtaining a settlement on the Malabar Coast. If the whole story be not fabricated by Ragobah's party to answer particular purposes, I have Mr. Mostyn's opinion and authority for believing that no agreement has yet been made between the Mahrattas and the French for putting the latter in possession of Choul. The intelligence comes from Ragobah, and Mr. Mostyn himself thinks there is no foundation for it. But admitting it to be true, what right have we to make use of force to prevent the French from obtaining such a grant by negotiation with an independent State? Or will the members of a fictitious, not a real majority of this Board, created by a casting voice, run the risk of engaging the nation in a war with France, with no better cause of quarrel than that they are forming an advantageous treaty or alliance with the Mahrattas? If ours had been faithfully executed by us, and Ragobah dismissed from Bombay, the present question would never have existed.

The President and Council of Bombay now ask us whether they shall *use their efforts* to prevent such a settlement taking place? The answer proposed by the Governor tells them that "in our opinion no time ought to be lost in forming and carrying into execution such measures as may most effectually tend to frustrate such dangerous designs." But what those *efforts* and *measures* are to be remains to be explained. I conclude that military operations against the French are intended, as our formal permission would hardly be necessary to authorise any others. But the Bombay Presidency at this moment tell us that *their troops are nearly reduced to a third of their complement*, and before the intended detachment could reach Bombay, even if they met with no interruption in their march, the rains would be set in. They must march in the months in which the hot winds prevail with the greatest violence in the upper parts of India, and when they arrive the rains will prevent their acting. In my opinion we ought to forbid the Presidency of Bombay from engaging in any offensive operations whatsoever, and most particularly against the French. I shall reserve what I have farther to say on this subject till the meeting of the Council.

(Sd.) P. F.

MR. FRANCIS.—No member of this Council makes a freer use of his privilege of dictating minutes at the Board than the Governor-General. I do not complain of it; on the contrary, I listen to him at all times with respect, with temper and attention, yet as much time is lost in delivering opinions in this manner I must own I am unwilling to enter into a discussion of all the supposed facts, assertions, and arguments stated in his last minute. I fear it would be endless, and lead to no conclusion. Public advices, not before the Board,—general intelligence from different quarters,—the supposed notoriety of facts not proved,—and the language supposed to be held by the French on occasions where their interests are concerned, may have weight with the Governor-General; they have none with me, nor will they, I presume, be deemed, by our superiors, to be a solid and warrantable foundation for the important conclusions of fact, proposed to be drawn from them. One instance of the uncertainty of such reports, as well as of the facility with which they are introduced into our debates as acknowledged facts, appears in the Governor's repeated assertion that the French are *now* in possession of Choul, of which the only proof afterwards produced is, that some of their ships have been admitted into the port, and that they have been suffered to land their goods there. Choul

is said to be almost within sight of Bombay. It would be very extraordinary if the French had actually taken possession of that place, and the Presidency of Bombay had never mentioned to us a fact, from which they might have drawn inferences so favorable to their present designs. Mr. Mostyn's letter of the 24th January is the latest from that part of India. So far from intimating that the French were in possession of the place, he denies the existence of any agreement for that purpose, and says, "he cannot think that Nana Furnese will be so weak to do it until the required assistance arrives." What may happen hereafter I know not. My present opinion and resolution must be founded on facts, and the authentic intelligence of facts, as they exist before me. I will not at present enter into any further consideration of the Governor's minute, but endeavour to bring back the question on which this debate has arisen to its original ground.

The danger stated in the proposed letter to Bombay is said to arise from the steps which are taking by the French to obtain a settlement so near Bombay. The means recommended for obviating that danger are "that no time ought to be lost in forming and carrying into execution such measures as may most effectually tend to frustrate such dangerous designs." An opinion given in this form is plainly an instruction to the Bombay Council. The objection urged against it is that the terms are not clear, direct, and specific, and that, in the only rational construction which can be given to them, they amount to an authority from us to commence hostilities against the French to prevent their being put in possession of Choul. The case of an attack of the French against any part of the Company's possessions is not supposed, nor is it made the condition of our undertaking hostile measures against them. The letter, as it stands, refers only to their obtaining a settlement on the coast, and the necessity of our preventing it at all events. If the instruction recommended by Mr. Wheler be now added to the letter, "that they do not on any pretence become the aggressors by committing hostilities against the French," I shall very much approve of it, because I think it annihilates that part of the instructions to which I object, but then the form of the letter must be altered. I have nothing further to observe, but that the main question, "whether a detachment shall or shall not be sent, and of what force it shall consist," has not yet been debated or proposed, and that before that question is resolved the consideration of the letter to Bombay is out of its place.

Governor-General.—When the severest wounds are aimed at my public character it is hard to deny me the privilege of self-defence, but if I have taken up more of the time of the Board than I ought in the minute which I dictated at the Board this day I do not think that any person who shall read the preceding minute, and attend to the length of it, will think it seasonably prefaced with a complaint of that nature. I will however profit by the suggestion. Both the preceding minutes of Mr. Francis, both that written and that dictated by him, shall remain unanswered, but by this short remark that they combat propositions which I have never made, and quote proofs as given by me, even where I declared that I meant not to produce any repeated arguments and assertions long since combated and refuted, and employ the attention of the Board, on a verbal disputation, for the whole that is said and repeated of the passage quoted from my minute by Mr. Wheler is really such. The propositions which were intended to follow the last minutes of the Board in the Military Department, and which related to the strength of the intended detachment, and the manner in which it should be formed, have been sent to the Military Secretary, and will be sent in circulation to the other members of the Board whose opinions may be more deliberately given by the same mode. It is neither my wish nor did I introduce the practice to spin out the time of the Board in desultory and indefinite argumentations.

Mr. Francis.—I do not know that any wounds whatsoever have been levelled at the Governor, or that his public character could possibly be in question in this debate. I submit to judgment whether I have or have not stuck close to the measure proposed for deliberation. One thing I must beg leave to explain, because I should be sorry to remain under the imputation of a failure in respect to the Governor-General, or any member of this Board. The notice I took of the length of his minute arose from some words which he

himself let fall in his answer to Mr. Wheler, "that he hoped that it was not expected he should give his time to the examination of voluminous papers which had been written on this subject." It appeared to me that the question did not lay a foundation for that answer. I shall be ready to consider the papers when they are sent in circulation. That mode of conducting business is convenient in matters of less importance, and I have no objection to it; but in a case of this very great consequence I hope the resolution, whatever it may be, will be taken in Council.

Governor-General.—If the words I used in my reply to Mr. Wheler could contain any subject of offence I suppose Mr. Wheler was the most competent judge of it, and did not require any other person to resent it on his behalf. I meant those words only as an excuse for not replying to the question that he put to me, and do assure him that they were dictated with temper, and with that respect to his character from which I never yet departed in any debate.

Since Mr. Francis objects to the mode which I proposed for collecting the sentiments of the members of the Board on the propositions which I mentioned that I had sent to the Secretary in the Military Department, although it was in deference only to the objections which had been just urged by himself against minutes dictated at the Board, that I proposed to collect the opinions of the Members in circulation, I now bring them before the Board, desiring only that they may be remanded with the debates and opinions given upon them to the Military Department.

Mr. Francis.—I consider myself as a party to every question proposed for the general information of the Board, let it come from whom it will, and of course interested in the answer to it. My remark was made on my own account. I did not presume to speak for any other member of the Board.

Mr. Barwell.—The length of this debate has to me been quite unexpected, and I have declined taking a part in it because it is no more than a repetition of what has already passed upon the subject of the general interests of the Company in influencing the Darbar of Poona. The votes and resolutions on the 2nd instant are or are not to be supported. They stand at present binding on the Council, and any attempt to prevent their operation or defend them is simply subjecting the Company to the ill-consequences of miscarriage in a point extremely interesting to their affairs, and from the responsibility of which miscarriage I hold myself exempted, should it in fact, as I apprehend it will, arise from the difficulties thrown in the way of the executive power. Whatever measures in prudence and policy are proposed upon the votes that are already passed ought not necessarily to involve the propriety or impropriety of these votes. That question is dismissed totally, and the new one becomes of a very different nature, whether you will baffle the powers of the Government, or give way to them. I agree to the latter.

Mr. Francis.—I understand it to be conformable to the sentiments of the Board that the President and Council of Bombay should be restrained from commencing hostilities against the French. I therefore propose that the following paragraph may be added to the letter now resolved on :—

"We enjoin you in the strictest manner that you do not on any pretence become the aggressors by commencing hostilities against the French, nor against the Mahrattas, but that you continue to adhere to the strict letter of the Treaty subsisting between the Company and the present administration of the Mahratta State."

Governor-General.—As the preceding motion is taken from the words of my own minute, I wish that it may be entered complete, with the addition of the following words after the word adhere, "as you assure us you will do." As the letter is concluded and partly signed, the proposed addition can only be made in a postscript, but I think it will appear too abrupt in the above form, and would therefore propose the following introduction and amendment :—

Postscript to the letter to Bombay recorded in the former part of this Consultation.

"As we have no property or pretensions to property in the Port of Choul, we cannot authorise you to use any overt measures for preventing the French from forming an establishment at that place, however dangerous their neighbourhood may be to your Presidency; this must be effected by other means, that is by an appeal to that power which alone can give them the right of possession. We think it necessary also to add the following injunction, that you do not on any pretence become the aggressors by commencing hostilities against the French directly, nor against the Mahratta State, but that you continue to adhere, as you assure us you will do, to the strict letter of the Treaty subsisting between the Company and the present administration of the Mahratta State."

MR. FRANCIS.— I acquiesce.

Agreed, that the postscript proposed by the Governor-General be accordingly added to the letter to Bombay.

Government of India Central Printing Office.—No. 488 F.D.—14-3-90.—800.

Proceedings of the Secret Select Committee, from 12th March to 29th June 1778.

Secret Dept., Friday.

Fort William, the 13th March 1778.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
RICHARD BARWELL, ESQ.
PHILIP FRANCIS, ESQ.
EDWARD WHELER, ESQ.

Read and approved the Proceedings of yesterday.

THE GOVERNOR-GENERAL.—I have given the Board the trouble to meet in this Department, although before summoned for the usual despatch of business in the Revenue Council, that I might lay before them a letter which I received late last night signed with the names of Messrs. Francis and Wheler: addresses of this kind I cannot but think in themselves irregular. I hope Mr. Wheler will excuse me in requesting of him particularly, that whenever he shall have occasion to communicate in writing to me in my public character, he will be so good as to make it the subject of a letter from himself only. I shall always pay him that respectful attention, which it has ever been my study and even my inclination to give to his advice, his wishes and opinions; but sensible as I am by experience of the fatal consequences, which sooner or later must attend a division of the members of the Administration into decided and confirmed parties, I should be wanting both in duty, and in common prudence, if I consented to make myself instrumental to such a schism formed against myself.

I have read the letter itself with great attention, I have compared it with the orders of the Court of Directors, to which it appears to allude, and clearly recollect the substance of the orders already issued for the march of the intended detachment to Bombay, which Messrs. Francis and Wheler in their letter mention it as their opinion should be immediately countermanded; but I cannot perceive their connection. The orders from the Court of Directors, particularly quoted by Messrs Francis and Wheler, lose their real meaning by that partial quotation. I shall therefore here repeat them at large, so far as they relate to the proposition grounded upon them. They are as follow :—"Though that treaty is not, upon the whole, so agreeable to us as we could wish, still we are resolved strictly to adhere to it on our parts, you must therefore be particularly vigilant whilst Raghoba is with you, to prevent him from forming any plan against what is called the ministeral party at Poona, and we hereby positively order you not to engage with him in any scheme whatever for retrieving his affairs without the consent of the Governor-General and Council, or Court of Directors." These words imply an authority equal, by the construction of them, to an express order to engage with Raghoba in any scheme or plan for retrieving his affairs which shall not be formed against what is called the ministerial party at Poona, and which shall have obtained the consent of the Governor-General and Council or the Court of Directors. As the proposal made for immediately countermanding the orders already issued for the march of the intended detachment to Bombay is declared to be founded on the principle which influenced the above orders, I must request that the orders particularly alluded to, may be shewn, and if they shall appear to have such a tendency, I shall willingly consent to their repeal.

General Letter to Bombay, 4th July 1777.

Calcutta, 12th March 1778.

SIR,—Having attentively considered the particular and positive instructions which the Court of Directors have given to the President and Council of Bombay in the last paragraph of their letter of the 4th of July 1777 to that

Presidency, in regard to their connections and engagements with Raghoba, which they have been pleased to communicate to us in their general letter received this day, we think it our duty to take the earliest opportunity of submitting to you our opinion, that, as the Court of Directors declare their resolution to adhere strictly to the treaty concluded with the Mahrattas by Colonel Upton, and have particularly ordered the President and Council of Bombay to prevent Raghoba from forming any plan against what is called the ministerial party at Poona, every measure taken or intended to be taken by that Presidency, in conjunction with Raghoba, against the ruling power at Poona, will stand in direct violation of the Company's present orders, and for that reason, exclusive of all others heretofore urged to the same effect, ought not to be supported or countenanced by this Government. On the same principle, we beg leave to submit our opinion to you, that all the orders already issued for the march of the intended detachment to Bombay should be immediately countermanded.

We have taken this method of communicating our thoughts to you on a subject equally important and pressing, as the meeting of the Board in Council will not, in the ordinary course, take place before Monday next, unless the contents of this letter should induce you to think it advisable to summon a Council before that day.

We have the honour to be, &c.,

P. FRANCIS.

E. WHELER.

Mr. Francis.—An objection to the form in which Mr. Wheler and I thought fit to introduce the consideration of a question of such importance, as that contained in our letter to the Governor-General, appears to me so very immaterial that I shall make no reply to it. I leave the letter to defend and answer for itself. The Court of Directors will judge whether it deserves the strictures which have been passed upon it.

A dispute about the construction of words might be endless. I will therefore not enter into it, but content myself with stating what I think the true sense and meaning of the Company's present orders. Every Member of the Board will judge for himself. It appears to me that in the words quoted by the Governor-General there are three declarations on the part of the Company, the two first positive and without any qualification, the third conditional. Their resolution to adhere strictly to Colonel Upton's treaty is positive. Their orders to the Presidency of Bombay to prevent Raghoba from forming any plan against the ministerial party, is also positive; the third declaration which forbids that Presidency from engaging with him in any scheme whatever for retrieving his affairs is not absolute, but may be departed from, provided they have our consent or that of the Court of Directors. The true question then is whether the late resolutions taken at Bombay, and confirmed by the approbation of this Board, are or are not a violation of Colonel Upton's treaty, and whether they do or do not make part of a plan concerted with Raghoba against the ministerial party at Poona. In my opinion they do. The information given us by the Presidency of Bombay, in their letter of the 12th December last, of propositions made or expected from the ministerial party in favour of Raghoba, appears to be totally without foundation. Does there exist any one fact, or the representation of a fact, either from Bombay or Poona subsequent to the first information, that tends immediately or remotely to confirm or support it? I affirm that there does not. If I am mistaken, the positive proofs may be directly produced against me, yet the resolutions taken, and the orders given on the receipt of the first intelligence and on the presumption that that intelligence was well founded, remain in full force, and have been partly executed. We have remitted 10 lacks of rupees to Bombay, and we have given orders for forming a detachment nearly equal to a brigade, and for their march to, and assemble at Calpee. The final orders for their march from thence to Bombay are not yet issued, but every preparatory step is taken, and I take for granted the battalions are now on their march from the respective stations to Calpee. These are the orders which, as Mr. Wheler and I meant, should be countermanded. According to my understanding, the whole measure stands in direct

opposition to the plain sense and meaning of the Court of Directors, expressed in their letter now before us. I have acquitted of the duty which belongs to my station, in contributing to bring the question again under the consideration of the Board, which, I apprehend, I am warranted in doing by the instructions received yesterday, and must leave the determination of it to the sense of the majority.

MR. WHELER.—Considering, as I do, that the orders already issued for the assembly of six battalions at Calpee, with the further design of proceeding to Surat, Bombay, or Poona, are in direct contradiction to the orders of the Court of Directors, it became my duty to promote a further consideration of those orders, and, if possible, to prevent their being carried into execution. I imagined a letter addressed to the Governor-General jointly with Mr. Francis, whose opinion is well known to have concurred with my own upon this subject, would have had more force and efficacy with the Governor-General than my single application; but I am sorry to find it has had the contrary effect, and if I could flatter myself that the mode now recommended to me by the Governor would be the means of uniting our opinions, I should be very ready to adopt the measure. I have done but my duty in joining with Mr. Francis in an address to the Governor, and I have no doubt but it will be considered as such by those who are ultimately to judge of the transaction.

MR. BARWELL.—If the object of the present question, agitated by a letter to the Governor-General, is to prevent the interposition of this Government in such political measures as may arise in the west side of India, and under any circumstances whatever, proposes to decline giving the Presidency of Bombay such aid as may be necessary for its support, I will venture to affirm that it is not consistent with any orders of the Company now received, nor consistent with sound policy.

The resolutions that have already passed for an effectual aid and support of the Bombay Government do not necessarily involve us in any measures that may not be consistent with those resolutions. The defence and support of one of the Company's settlements, and the giving them the means of being equal to any occasions which may possibly call for the exertion of our military strength, cannot be imputed to us as a breach of the treaty of Poona, or a contradiction of any of the injunctious proceedings from the Company. In the vote that authorizes the Bombay Government to take a part in the scenes at the Poona Darbar, the ultimate object of them is the tranquility of India, and to secure our Government from designs clearly apparent to have originated with a faction at Poona for the introduction of the natural enemies of our nation—the French. The measures that have been resolved do not, in my opinion, warrant a deduction of the consequences that are imputed. They profess an entire different object, and I hope the public will so far vindicate the votes of the majority as to give them that degree of credit so solemn an act merits. The national interest can only be my pursuit, and in support of the Bombay Government, security and peace to all our possessions. I adhere to my former opinions given on this subject, and am confirmed in them by a review of the precarious state of parties at the Poona Darbar. When once the blow has fallen upon Bombay, the greatest exertions on our part will possibly fail to restore the splendor of the English Government.

THE GOVERNOR-GENERAL.—Mr. Barwell has so fully vindicated and explained the late resolutions of the Board that he has left me nothing more to add, but that, as the objects of those resolutions are strictly conformable to the Company's orders, so also are the means. We have not authorized, nor I trust is it necessary to declare that we never will authorize, the Presidency of Bombay to engage in any plan against "what is called the ministerial party at Poona," while the treaty subsists to inviolate on their part. A plan was suggested to us by the President and Council of Bombay, which had for its object and means to engage in a plan for retrieving the affairs of Raghoba in conjunction with the ministerial party at Poona, and at their invitation the declared object of the resolution for sending a military reinforcement to Bombay was, as it is expressed in our letter of the 23rd February to that Presidency, "to grant them the most effectual support in our power;" but has no kind of relation either direct or implied to a violation of the treaty formed with the Ministers at Poona.

I am against the motion for countermanding the orders issued for the march of the intended detachment to Bombay.

Resolved that the orders for the march of the detachment from the first brigade be not countermanded.

Secret Dept., Fort William, the 6th April 1778.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

Read and approved the proceedings of the 30th ultimo.

The Governor-General delivers in the following answer to MR. FRANCIS' objection to the letter to the Presidency of Bombay, on the 23rd February.

Fort William, 6th April 1778.

THE GOVERNOR-GENERAL.—It is not perhaps incumbent upon me to make any reply to the minute delivered in by Mr. Francis objecting to the proposed draft of a letter to the Presidency of Bombay, as I conceive that all the points brought by Mr. Francis as arguments against the instructions contained in that letter have been fully canvassed in my former minutes upon the state of the Mahrattas in relation to the English Government; and I will venture to pronounce that to an unbiassed reader it will be proved by those minutes, and by the documents on which the arguments contained in them are founded, and which stand upon our records, that the seeds of a combination between the leading, though not the principal, members of the Mahratta administration and an agent who acts under the immediate instructions of the first ministers of the French nation, are sown and have already taken deep root. That the administration of Poona have treated the agent of that nation with all the attention due to the Minister of an ally, whilst they have behaved to ours with an inattention and disrespect which in any European Court would be considered as a dismission, disgraceful to the power he represented, and the consequence of which would be satisfaction or war, and that, even allowing for the difference of manners to which such a conduct to our Minister may be imputed, the striking contrast in their behaviour to the French agent, with whose nation I am on the whole to understand Mr. Francis supposes them not in alliance, and to ours, to whom they are bound by treaty, marks too clearly to be doubted, that such conduct proceeds from some deeper cause than simply a difference of manners, and lastly, it will appear that the Treaty of Purandhor, dated the 1st of March 1776, has not yet been carried into execution.

I have repeatedly and in the most formal manner declared, and again declare it to be my opinion, that such is the state of affairs at Poona.

It is unnecessary to seek further for the causes of the difference of opinion in the members of this Board upon the important questions which have lately been before it. We differ in the belief of the facts on which our decision is to be founded. Mr. Francis and Mr. Wheler appear to be for total inaction. Mr. Barwell and myself are for taking some steps which may secure us against the effect of intrigues, which we are persuaded are carrying on at Poona, and we wish at the same time that what we do should be consistent with the Treaty of Purandhor. I shall now proceed to examine the nature and force of the evidence by which I think the propositions I have above laid down are supported.

In a letter from Bombay, under date the 10th May 1777, and entered in our Consultation of the 16th June, we are informed of the arrival of a French gentleman with his train, who afterwards turned out to be the Chevalier St. Lubin. We are likewise informed of the high respect shewn to him by the Darbar at Poona and of the suspicion, with the grounds of it, that the port of Chowl would be granted by the Ministers to the French. We find that Mado Row

Bullol, an officer of the Government, was appointed to transact the French business. In another letter from Bombay, dated the 21st June 1777, and entered in Consultation of the 18th August, is the following paragraph :—

"We now find that the French Deputy at the Mahratta Darbar is no other than the celebrated Monsieur St. Lubin and not Monsieur St. Laub as we at first imagined. At his first audience he was received with a respect and ceremony greatly superior to what was paid to our Resident. The two Ministers themselves, Succaram and Nannah, having gone without the tent walls to meet him, on his alighting from an elephant provided for him by the Circar, and introduced him into the Darbar, whereas Mr. Mostyn was only received by two inferior officers, and with much less ceremony. We have remonstrated against the indignity shown to the nation by this distinction shewn to the French, and the restrictions laid upon Mr. Mostyn and his attendants so contrary to the law of nations, and insisted upon their allowing him the same privilege and freedom of communication as heretofore."

In Consultation, the 22nd September, is entered a letter from the Bombay Council enclosing a paper obtained by Mr. Mostyn at Poona from an Englishman in St. Lubin's suite, said to be the production of his Secretary's pen, in which it is stated that Monsieur de Sartinne was the Minister who was entrusted with the management of the expedition to India; that he was so much interested in its success as to visit the ports where the ships intended for the expedition lay; that 3,000 men under the command of Monsieur Dennas, late Governor of the Isle of France, were originally intended for the expedition; that St. Lubin was appointed Minister Plenipotentiary to the Mahratta Court, and was bound to send an express to Europe upon his arrival, of which, should the contents be favourable to their views, the above-mentioned number of men would be sent, &c.

The next information in order of time which came before us was Mr. Elliot's letters which he circulated amongst the Members of the Board on the 1st October, though for the sake of secrecy it was not thought proper at that time to put it upon record. It is to be found in Consultation, the 2nd February. As I mean, however, this minute to contain a pretty full abstract of the whole of the evidence of the French intrigues, and of the high authority from which they originate, I shall here quote that part of it which relate to the subject on which I am now writing:—

"Having been fortunate enough to obtain some intelligence before I left Europe, in which the interest of the East India Company and the influence of Great Britain in India appear to be deeply interested, I think it incumbent on me to take the earliest opportunity of communicating it to your Hon'ble Board. I am concerned at the same time to be under the necessity of laying the facts only before you, without having it in my power to point out the channels through which the intelligence was conveyed to me, as my promise was most particularly taken before I was myself intrusted with it, that I should conceal the names of the persons from whom I received the information; it was not without some difficulty that I obtained permission to inform the Governor-General and Sir John Clavering of this material circumstances, and that only upon condition that they should not trust it to the records of the Company, however secret they might be. The opinions, which those gentlemen must form, as to the authenticity of the facts which I now propose myself the honour of laying before you, will be a sufficient justification of me for addressing you in this letter.

"It appears by the information to which I allude that Monsieur Sartinne, Minister de la Marine of France, has concerted with three or four of the principal Ministers of that country a scheme, the object of which is the total overthrow of the English interests in India. That he was sensible the force which France could herself bring against our settlements would prove insufficient for so great an undertaking, and had therefore thought it necessary to the completion of his views to begin by intriguing with the country powers, and by endeavouring to secure them in the interests of France in opposition to those of

Britain. That for this purpose he was resolved to send a person to India with full powers in the character of agent, and likewise to send out persons, who in the information are called *des exerceurs*, to discipline the nations of India, and a considerable quantity of arms and military stores. The person who was nominated to this office was described to me as one who had before been in India. He was to go to Pondicherry first, but to assume no public character, that he might not be subject to the suspicions of the English. He is furnished with letters from the Court of France to all the country princes of any note in India, to be used at his own discretion. He likewise carries out presents of considerable value which he is to distribute as he may judge necessary. The substance of his instructions is as follows:—To treat with such of the country powers as he may have reason to think will most readily assist the views of France, and to form alliances with them in the name of the King of France; to endeavour to persuade the country powers to fall upon the English settlements; and he is authorized to promise such as will accede to his proposal the warmest support of his nation secretly till hostilities are actually commenced, and then openly. He is warned, however, in his instructions that France is not to take the lead in the war, but is to come in as an assistant only. The person from whom I learnt these particulars knew for certain that the agent sailed from Marseilles in the beginning of April last, but as unacquainted with his name, and unable to inform me for certain what road he had followed to India, but seemed to be of opinion that he must have passed over to Alexandria in the intention of embarking at Suez for India.

"Having informed you of what I venture to say may be relied on as authentic, it will not be misplaced, &c."

If we had no other proof of the authenticity of the information contained in this letter, but its agreeing so exactly in all the material facts with the intelligence transmitted to us from Poona in the paper I have already mentioned, and in the letters of Mr. Farmer and Mr. Madgett, entered in Consultation, the 26th January, I should hold it to be incontrovertible. The same circumstances brought from Europe and traced in the capital of the Mahratta Empire upon the same subject must be facts. The authenticity of Mr. Elliot's information does not, however, singly depend even upon this strong ground. He takes upon him in his letter to pronounce it to be authentic, and he has communicated to me, as he would have done to Sir John Clavering, had he been alive, which Mr. Elliot thought he was when he drew up the letter as will appear from the terms of it, the grounds upon which he makes the declaration. And I now declare that he has not in the smallest degree stated the authenticity of his information more forcibly than he is warranted from the nature of it. It is not therefore in support of Mr. Elliot's letter that I make the comparison between the intelligence discovered in Europe and at Poona, but it is to examine how far we should give credit to those parts of Mr. Madgett's letter which are not corroborated by Mr. Elliot's. If the parts of his letter which admitted of proof are ascertained by those proofs being obtained, we are, I think, bound to believe that the other parts of it are equally authentic, in support of which we are sensible no proof could be obtained.

The following is an extract of his letter:—

"I have heard it repeatedly mentioned by different gentlemen who were there, that there was some written instrument, to one side of which Nannah swore by the cow, and the other side Monsieur St. Lubin swore by the Holy Evangelist; that Nannah further kept the book Monsieur St. Lubin swore on."

Mr. Farmer in his letter to Mr. Hornby, an extract of which is here entered, uses the following words on the same subject:—

"They all perfectly agree in the circumstance of the summons given to attend at Nannah's to witness the treaty. Nannah was sworn by his Brahmin, and St. Lubin by his padré, and Nannah kept the book."

From the following extract of our letter to Bombay under date the 20th of October, which is considerably before the letters from Mr. Farmer and Mr.

Madgett were received by us, it will appear what was the unanimous opinion of the Board upon the subject of the French intrigues. The words in italics are in Mr. Francis' handwriting. I know not why the great additional weight of evidence brought before the Board since that period should have made him change his mind upon this important subject :—

"The paper of intelligence obtained by Mr. Mostyn, from a person lately in service of Monsieur St. Lubin, and enclosed in your letter of the 2nd of August, has left no room to doubt of the commission with which he is charged from the Court of France, and the secret conferences which he has been admitted to hold with the Poona Government too strongly indicate that they may have listened to negociations of a hostile nature to the Company. Monsieur St. Lubin remains still at the Mahratta Court, *and may possibly by this time have entered into engagements with the Paishwa of a dangerous tendency* to the Company's establishments : at such a crisis therefore every circumstance is of consequence, and we are under great anxiety to learn the progress of his negociations."

I delivered in to the Board on the 2nd of February 1778 extracts from the Persian correspondence.

The evidence contained in those letters appears to me to amount to proof. Succaram Baboo, the first Minister, and whose name is one of the two affixed to the treaty, tells us that Monsieur St. Lubin is come to Poona with the character of Minister on the part of the King of France; that he brought a letter from his Royal Master to the Pundit Purdhan, that is to the Peishwa; that friendship is the object of his negociation. This letter is from the first Minister and establishes incontrovertibly the character in which Monsieur St. Lubin came to India. It cannot then be asserted that St. Lubin is an adventurer. The Nabob of Arcot's Vakeel details to his master what passed between the French Agent and the Mahratta Minister. The whole letter is worthy of the utmost attention, but I shall here quote only the following words :—

"Succaram Pundit then said (to St. Lubin) I will appoint some person to negociate your business for you, it must be a person who is well versed in your affairs; I know of no one qualified for this business except Mado Row Sudasha. Monsieur St. Lubin not relishing this proposal made answer: he is employed in the negociations with the English, how is it possible we should unite ?"

The same Vakeel mentions the Chevalier St. Lubin's desire that 10,000 sepoys should be raised to be disciplined. The Aumil of Gaekwar mentions the same circumstance. It must be observed how exactly this agrees with the information brought by Mr. Elliot from Europe, who says "that for this purpose he (Monsieur Sartinne) resolved to send a person with full powers to India in the character of agent, and likewise to send out persons who in the information are called *des exerceurs*, to discipline the natives of India." I will here for the sake of bringing the whole subject into one point of view introduce an extract of Mr. Madgett's letter which has been before quoted :—

"Military stores, 15,000 muskets, rejected from the King's service, were spared to him at a very low price from the King's stores by means of the influence of Monsieur de Sartinne. Cloth of different sortments and colours with a quantity proper for facing formed also a part of the cargo, which I frequently heard Monsieur de St. Lubin mention was to clothe the troops that might be raised in India for the purpose of the alliance. Having perhaps forgot it in the owner's cargo, he persuaded an officer in the ship to get made and bring out a considerable quantity of buttons. The device of the buttons was given by Monsieur de St. Lubin. It is a Flure de Lys in a crescent, which probably Monsieur de St. Lubin imagined to be the Mahratta Standard, and had therefore intended it as emblematic of the alliance."

The Aumil of Gaekwar writes from Poona upon the subject of the French Agent. "The expenses are great, how should he be able to make such presents of himself? From these circumstances it is evident that he is no impostor."

In Mr. Elliot's lettter are the following words :—"He likewise carries out presents of considerable value which he is to distribute as he may judge necessary."

Dewagur Pundit, the Dewan of Moodajee Booslah, writes to me that an experienced Ambassador is arrived from France, &c.

In a letter from Mr. Lewis to the Governor of Bombay, which is recorded in our Consultation, the 16th February, we find that chokies were placed upon the English Factory; and that none of the English Resident's people could stir without being attended with a chokie or two; and that the insolence of the chokies was carried so far as to have illtreated a shopkeeper who served the factory with the common necessaries of life. The only satisfaction which the Darbar would give for an indignity greater than ever was borne by any nation was a declaration that Nannah Furness wanted all Europeans to leave Poona; and that if the English must have a vakeel there, he thought a carkoon was enough. We are informed nevertheless that Monsieur St. Lubin *was* closeted with Nannah Furness for three hours on the same day.

The Governor and Council of Bombay in their instructions to Mr. Mostyn, entered in the same Consultation, direct him to obtain a satisfactory explanation of the indignity offered to the Company in the person of their Resident, and to declare to the Darbar, that if they continue to treat their Resident with the same indignity; in future it will be considered as a breach of the treaty, &c.

Mr. Mostyn informs us in his letter of the 19th January that he was promised an answer to his complaints in two days on the 13th of January; that he has not only received no answer to his complaints, but the chokies are continued on the Factory.

In answer to all this, I am told that I take a fact for granted without proof. I have stated my proofs, and I think they are clear and decided, and unless we could send a commission to Poona to take the evidence of the confidential officers of the Mahratta Government, I know not how stronger proofs could be obtained, and I do not conceive that upon a political question stronger could be required. I will quote the words used by Mr. Francis in a minute which he circulated on the 1st December last, from which it will appear what his opinions were at that time of the French designs :—

"In the present situation of public affairs and with the opinion entertained by every Member of this Board, that the French are meditating designs against some part of the Company's possessions in India, I think we cannot be too watchful in observing their motions and taking early precautions against any attempts they may possibly have in view, whether such attempts be likely to succeed or not; at this time every new appearance on their part is a just object of suspicion."

In the minute to which I mean this as a reply he shews pretty clearly that he does not so totally differ with me in opinion as he would appear to do for the apologizes for the protection given by the Mahrattas to the French. The apology which he makes for them is, that our conduct in the protection of Raghoba has authorized them to seek for safety in the arms of our natural enemy. We do not then differ in the fact; we only differ in the causes which gave rise to the connection. I shall not now enter into an argument with Mr. Francis upon the rectitude of measures which are past. It will be here sufficient to say that the Court of Directors made Raghoba's personal safety an indispensable condition of their approbation of the treaty. It will scarcely be denied that should he be delivered up to the Ministers, or driven naked and defenceless from under the protection of the British flag, his life must fall a sacrifice to such injustice. The conveyance of Raghonath Row to Bengal by sea has already been under the consideration of the Board, and proved to be impracticable. Mr. Francis, I cannot doubt, though he has introduced this subject by way of argument, would shudder at the thought of delivering over a man to whom the British faith has once been pledged to certain death. He

says nevertheless that the true way to defeat the French views is to give the Mahrattas a solid proof of our friendship by dismissing Raghoba. The connection which he supposes to be formed between the French and the Mahrattas, and which he makes the groundwork of this proposal, might possibly be dissolved by adopting it; but if it should not be dissolved, we should by an untimely act of submission, contrary to hospitality, contrary to the instructions of our superiors, and contrary to policy, give additional strength to that power which has been proved to be in combination with our natural enemies—the French. The personal safety of Raghoba was an implied article of the treaty. No Member of this Board will, I apprehend, stain the British faith with so foul a reproach as to suppose it was not. If, however, it was not, the decision of the Court of Directors has made it so. The article of the treaty which relates to his personal residence is incompatible with his personal safety, for it was stipulated that he should reside in the heart of the Mahratta dominions. Mr. Francis may argue on this question, as he has on another, that there is no proof that his life would not be safe in the place allotted for his residence. I must leave the decision of this question to the conviction which every man will feel upon it in his own breast, and shall only say that should we try the experiment, and the proof afterwards come, it must be sealed in blood. Mr. Francis seems to dwell upon an expression used in the preface to the instructions to Bombay. He says that to *make use of such efforts, as our means will afford* and as the *treaty will allow* is a contradiction in sense without saving appearances. I am sorry he should think it worthwhile to play with words when deliberating upon the most important questions which can come before this Board. It is torturing words to make them convey a meaning which they do not imply. The efforts which our means will afford must be directed by future events, by necessity or by policy. They may be productive of war, but they may be productive of harmony between the English and Mahratta Governments. If they should be hostile, it must be upon the principle of no treaty of friendship and peace existing. The treaty might allow us to demand the payment of twelve lacks of rupees for the expenses of the war, it might not, however, follow that our means would allow us to make use of such efforts as might enable us to enforce the payment of our due.

I shall here reply to that part of Mr. Francis' minute which alludes to the fifth instruction in the letter to Bombay, because it is connected with the subject of which I am now treating. The impression meant to be conveyed by it is that, not having originally approved the Treaty of Purandhar, I was resolved to break it at all events. Mr. Francis says that all the late measures originated from the resolution of the 2nd February, and upon the truth of this fact he appears to rest his proof of my determination on a breach of faith.

I should draw this minute to an unwarrantable length were I to quote all the passages from my minutes prior to that date which clearly disprove the fact asserted. I am loth to suppose that Mr. Francis has made this the groundwork of his attack upon my measures in hopes that the papers which are upon record are too voluminous to be read. In answer to what he has said on that subject, particularly to these words—"the first ground failing, another must be assumed," I quote the following extracts from my minute entered in Consultation, the 26th January, which was prior to the receipt of the letter on which resolutions of the 2nd February were founded:—

"That I may not appear to have drawn too forcible a conclusion from the late transactions between the Ministers and the Chevalier St. Lubin, I beg leave to call the recollection of the Board to a paper delivered to them by Mr. Elliot on the 1st of October last. From the comparison of the intelligence contained in that paper and brought immediately from Europe, with the information obtained by Mr. Mostyn and Mr. Lewis at Poona and their exact agreement in the most essential points, I think it appears beyond a doubt that the French Agent there in intrusted with a plan which has for its object the subversion of the British influence in India. We are in actual treaty of friendship with the ruling administration of the Mahratta State, and our treaty was formed at a time when they were engaged in a war with the Company, from which they were released by the treaty which we granted them; and in the prosecution of

which, had it continued, they must have fallen. The treaty was concluded by an officer of rank, deputed immediately from this Government, and the attention of every Prince and Chief in Hindostan was turned upon this first negotiation of the British power under the direction of a general government. It is disgraceful to us that the Government at Poona should in any situation pay more attention and shew more countenance to an agent of the natural and known enemy of our country than to ours. But when we are informed that the French Ministry have formed a plan of an offensive alliance with the Mahratta State—when we are informed that an Agent of the French Ministry has been received at Poona, has been treated with the greatest confidence and marks of distinction, while our own is disregarded; that he has received from them the grant of a port of trade within twenty miles of Bombay itself, has exchanged mutual engagements with them of which his part is to supply them with arms and a military force; and even the common newspapers relate these transactions of universal notoriety, what conclusions are we, who are immediately concerned in them, to form from them? Are we to regard them as the allowable machinations of political intrigue, and quietly permit them to operate to their last effect, if the Mahrattas commit no overt act of hostility or direct breach of the treaty; or shall we consider the preparations to a war as declaratory of an intended breach of treaty, and take such measures as the necessity of such a situation demands for ensuring and confirming the treaty, and giving it that vigor which it yet confessedly wants; or if that should prove impracticable, even to prevent the designs of our enemies by openly counteracting and opposing them?

"That a remonstrance be made to the Ministers, against the countenance afforded by them to the Chevalier St. Lubin, against the engagements, we understand, have been formed with him, and against the grant of the Port of Chowl made, as we understand, to him, or to the French nation through him; that though we do not insist on any positive right to demand his dismission nor the exclusion of the French from the Port of Chowl, yet as we have a right to require a knowledge of the intentions of the Ministers in regard to these points so far as thay respect the treaty of peace subsisting between the Mahratta State and the British Government in India, a clear and satisfactory explanation be demanded of their intentions; and that a declaration be made to them that we shall take such measures accordingly as prudence shall dictate for the future safety of the Company's interests and possessions committed to our charge."

I should apologize for the extreme length of this minute, and for the number of quotations I have been under the necessity of making from our records, with which every Member of the Board must be supposed to be acquainted, but the hasty manner in which Mr. Francis accuses me of introducing supposed facts *as usual*, without proof, and the assertion which he makes that the causes of complaint on which the letter urges a quarrel, are trifling and exaggerated, and that the facts it refers to are clearly disproved or taken for granted without evidence, has forced me in my own defence to disprove the assertions of Mr. Francis.

Let Mr. Francis and Mr. Wheler weigh the force of evidence upon which the proof of the combination between the French and Mahrattas is founded. Should they hereafter see the armies and fleets of France in alliance with the Mahrattas, the offspring of the present intrigues and their proposed inaction, triumphing over the English settlements in the western parts of India, it would be a bad excuse to their country and to themselves to say "we had no proofs that it would be so."

I am well aware of the innumerable causes which may arise between this time and the period intended for the execution of this plan to prevent its being executed at all. Had I the same conviction that the plan would be carried into execution, as I have that it exists, I should not have proposed that troops should be sent to reinforce our settlement at Bombay, but I should have proposed the English armies from Calpee and Bombay should have met at Poona. I do not therefore act upon the conviction that the French will send out armies to India for the purpose of effecting our overthrow. I acknowledge the chapter of accidents to be open, and that it is a voluminous one. I am convinced,

however, that when Monsieur. St. Lubin was despatched from France, it was the intention of that Government to back his negotiations by force; and as far as human foresight can lead us, we have every reason to think that the French administration will do everything they intended; for St. Lubin's negotiations appear to have been much more successful than their most sanguine expectations could have permitted them to hope. The line I have taken in conjunction with Mr. Barwell is strictly consistent with these principles. We tell the Ministers that if they do not give us a clear and satisfactory explanation of their intentions, we shall take such measures accordingly as prudence shall dictate, &c.

This declaration does not in any shape commit us. Prudence may dictate to us the necessity of reinforcing our settlement at Bombay and no more. Such a declaration may, however, alarm the administration at Poona, and make them act with more good faith towards those with whom they are in alliance. The requisition for permission that our troops shall pass through their country will give this declaration additional weight; and I think it is more than probable that should Nanna Furnese, the patron of the French, still wish to support the views of that nation, he will be checked by Succaram Baboo and his other colleagues in office. This leads me to answer the part of Mr. Francis's minute where he asks, what is meant to be done should the Mahrattas refuse a passage to our troops through their country? Future events must decide this question. The detachment is not yet marched; when it does march it may take another road, or march but a part of the way. It is not declaration of war to ask a free passage for our troops from one of our settlements to another; and I will never give my consent to a declaration of war, or to any act which is equal to it against the Mahrattas, whilst they maintain their faith to us, or whilst we are not obliged to act in our own defence. The advantages of our military preparations must at all events be acknowledged. If the detachment reaches Bombay, it secures that settlement against every efforts with which the French and Mahratta intrigues appear to be pregnant. If it should stop in the country of the Raja of Berar, Poona will be between an English army at Bombay and another in Berar. Its march may be suspended, or it may be rendered wholly unnecessary by advices received from Bombay that the members of that Presidency have of themselves effected the purposes for which it was formed, either before the detachment has made any considerable progress, or possibly before it has even moved from the ground of its first station. But even in these cases it may have been productive of some advantage by the confidence excited in our friends, and by the impression which the rumour of so powerful a reinforcement may have made on the minds of a weak unconstitutional and divided ministry, which, abandoning all its hopes in the French alliance, may choose on any terms to solicit ours as their only resource, or to yield into other hands for the condition of personal safety, a power which they are unable to retain.

I shall now endeavour to prove my third proposition, that the Treaty of Purandhar passed on the 1st March 1777 is not yet executed, which will at the same time answer the only part of Mr. Francis' minute which remains unanswered.

The first proof which is produced in that minute in support of the opinion that the treaty is executed is, that we are in possession of Salsette, and the Mahratta share of the City and Purgunnah of Broach.

It would be strange indeed if we were not in possession of them when the treaty was concluded, and nothing but force could have arrested them from us; and that force must have been greater than the whole Mahratta Empire, unsupported by a European alliance, could have brought against us. This is not a very striking instance to produce of the Mahratta good faith.

It is stipulated in the Treaty that Salsette and the other islands should remain in our possession. The only way by which this condition of the treaty could be accomplished was by silence and acquiescence. But the treaty was scarcely signed when the Ministers reclaimed those cessions, and have since repeated the requisition, not as a point of option, but of right, with an intima-

tion too strongly implied to be misunderstood, that at a proper time they would use force to recover it, yet Mr. Francis instances this as one condition of the treaty which has been accomplished : surely it has not.

The 5th article of the treaty entitles us to a country of three complete lacks of rupees, &c., &c. This article is not executed, and Mr. Francis acknowledges it, for he says " the complete execution of the treaty has only been retarded by a dispute about the literal meaning of the Kaumil Jemma, &c." Mr. Francis says that in our letter of the 18th August, " we declared that we understood the term to mean a gross revenue," which he thinks decides the dispute against us. By no means. Mr. Francis has mistaken or forgotten the point in dispute. It is not a gross revenue of three lacks which the Ministers offer, for that we should have accepted; but lands which stand rated in their books at a revenue of three lacks. Our instructions to the presidency of Bombay upon this article, in the letter quoted by Mr. Francis, are strictly consonant to those which we have now given, as will appear from the perusal of both.

Mr. Francis asks, is it meant that we should go to war, &c. The instructions direct the Council of Bombay to ascertain the right; if we are wrong to relinquish our demands ; if we are right to insist on our right, and if not admitted to declare it a breach of treaty; it is extraordinary that if upon proof it appears that we have rights, we should relinquish those rights because they are controverted by the Mahrattas. It is not very consistent with the honour of this Government to yield at so critical a time to the dictates of an ally, the terms of whose alliance are not yet completed. To declare that it will be breach of treaty is not a declaration of war; but it is a declaration that we have a right to go to war; and will, I have no doubt, be sufficient to secure us our right, unless the Mahrattas shall be supported by a European ally.

Though I am not fond of commenting upon words, I cannot help taking notice of a word used by Mr. Francis in the part of his minute which alludes to the execution of the 5th article of the treaty. He says " the complete execution of the 5th article of the treaty has *only* been retarded by a dispute about the literal meaning of the words Kaumil Jemma." Any one not acquainted with the subject would infer from this expression that the execution of the treaty was delayed till by looking into a dictionary we could ascertain the meaning of a word. The treaty has been concluded upwards of two years, and this article, by Mr. Francis' confession, is not yet accomplished. How long would he permit it to remain so?

He says we retain Chickly, Coral, and several other places, and enjoy the revenue thereof, as pledges, till the sunnuds for the country of three lacks can be made out.

We do not hold the places he mentions as a pledge. They are the cessions made to us by Futty Sing, and are our property, as will be seen in my answer to Mr. Francis' objection to the third instruction.

The 6th article of the treaty is equally unaccomplished. The Mahrattas agreed to pay us six lacks within six months of the date of the treaty, and six lacks within two years of the same date; which last period expired on the 1st of last month.

Mr. Francis appears to object to the instructions proposed for enforcing the execution of this article, upon a reliance that they will not be read by those who read his objections. To contrast his objection with the instructions is the shortest, but I am sure the most conclusive, of all replies to his observation.

Instruction 2nd.—" We direct that you demand immediate payment of the sum of twelve lacks of rupees due by the 6th article of the treaty, or of so much of it as still remains unpaid, and that the Purgunnah of Jam-	*Observation.*—The second instruction " orders a peremptory payment of the twelve lacks which the Mahrattas consented to pay us towards the expenses of the war. Is it meant that we shall renew the war for the immediate

boosur be thereupon restored to the Ministers, *unless you shall have accepted of the same as an assignment under such engagements as shall have absolved them from the literal performance of that article, and those engagements have been fulfilled on their parts* : and if they shall refuse to comply with the demand so made to them, that you are to declare their refusal to be a breach of treaty.

payment of this whole sum, while the revenues of Jamboosur are mortgaged to us for the gradual liquidation of it?

It will scarcely be denied that a temporary mortgage of an open country from one nation to another is not equal to ready-money, which was our original agreement. War would mutually release us from all our engagements, and the mortgaged country would be as much theirs as ours, but a sum of money in our own treasury would be indisputably our own. I leave others less unbiassed in their opinions than my opponents to judge, from this minute, of the security we have that peace will long exist between the English and Mahratta Governments.

The decison that Futty Sing had a right to make the cessions he made to us, contained in the third instruction, is likely, Mr. Francis says, to make the establishment of a lasting peace impossible.

To our letter of the 18th August I refer for a reply to this objection. It was a letter written by the unanimous consent of the Board, and the words in italics are in the handwriting of Mr. Francis. An attentive reader will perceive that the words to which I allude forms the most forcible part of the argument in favour of our retaining the cessions, as it is meant to prove that Futty Sing's evidence did not make against our right.

"We enclose for your information copies and translations of a letter written by Futty Sing in reply to a reference made to him by Colonel Upton on the subject of his right to alienate any territories dependent on him, and of sunnuds granted at divers times to the Gaekwars. This letter from Futty Sing, though *it evades a positive and direct answer to the point in question*, seems to disavow any right in him to alienate these possessions, but the concerns which he has in the question makes his personal evidence very suspicious (especially in the present instance in which it is opposed to his own personal act), since whatever is relinquished by the Company will revert to him.

"By the tenure on which all jaghirry possessions are held, we doubt whether any part of them can be legally alienated for ever by the jagheerdar, but we are not sufficiently informed if the lands possessed by the Gaekwar's family are of this nature. The answer to the 7th request contained in the 4th sunnud seems to allow of a right in them to dispose of their own districts in any manner they pleased, without obtaining the special concurrence of the Peishwa.

"The 7th Request.—I shall commence war against the independent Moguls who have establishments in my share, and recover their possessions from them at my own expense; let not the Government concern itself with them."

Answer.—Should you take any measures with respect to those districts which are you own share, the Government has no concern in it.

"Agreed accordingly.

"Although the inference which we draw from this passage is not conclusive, yet we think it sufficient to justify you in retaining possession of the districts ceded by Futty Sing until clear proofs shall be afforded by him or by the Ministers that he had no right to make those cessions. The detention of the country for a few months longer, supposing it should be at last restored to Futty Sing, will be no breach of the treaty on our part, as long as any material articles of it remain unexecuted on theirs."

I have now, I think, answered everything advanced in opposition to the late instructions to Bombay.

Mr. Francis and Mr. Wheler may perhaps consider themselves as little responsible for voices which, as the voices of a minority, are not effectual. Mr. Barwell and myself are in different situations; I could wish to have been joined by every Member of the Board on this occasion, because I think unanimity would add vigor to our distant measures; and I hold them responsible for whatever effects may be produced by their opposition.

Secret Dept., Fort William, the 8th June 1778.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER ESQ.

Read and approved the Proceedings of the 1st instant.

Read the following letter from COLONEL LESLIE.

Colonel Leslie, 20th May.

GENTLEMEN,—Although I have been arrived in this neighbourhood some days, I have delayed writing to you until I should have crossed the first division of my detachment over the Jumna.

Pursuant to your directions, every means in my power were used to reconcile the Chiefs holding the districts between Calpee and Bundelcund, to my march, and I received assurances of their willingness and ready assistance of provisions. They also sent a vakeel to me for my orders, and to receive my declarations of peace and protection to the inhabitants on my march, but the Killadar of the Fort waived acquiescing to my application for the aid of his boats, and indicated in all his actions the hostility of his intentions.

Many attempts and threats were used to intimidate my workmen at the boats I had been able to collect, and at the instant their vakeel was in my camp, they commenced direct acts of hostility, and absolutely fired on my people employed at the boats, which was retorted on them by the guard placed for their protection. In the afternoon they returned to the same attempts, and the officer then thought it necessary to punish them more effectually, and fired a few rounds from two 6-pounders that had been ordered there to cover the landing of the troops; this obliged them to retreat with the loss of some men. Some gabions that were thrown up before the party at the boats entirely secured them from the effects of their shot.

I had told the vakeel my intention of crossing yesterday, but he was very solicitous for my delaying another day, and expressed his master's wish that I would cross the river at 16 coss higher up. I could not accede to either; the first was incompatible with the declaration I had made, having already delayed my passage of the river with the expectation of seeing the vakeel who confirmed to me the promises I had received from the Chiefs Ballajee and Gunga Dur, and the latter was leading me far out of my way, and therefore not to be complied with.

I explained these objections to the vakeel, and repeated my professions of amity and protection to the country, and he left me on the pledge of peace, to give the requisite injunction to the Killadar troops, and to send the boats

seemingly satisfied, and promised to return to me in the evening. This he did not perform, and the declared hostility the Mahrattas had shown at the ghaut gave me reason to expect some opposition. Yesterday morning at daybreak the troops reached the ghaut, consisting of three battalions and their guns, and on the first embarkation being formed on the opposite beach, the troops that had been collected at Calpee began to assemble. Colonel Goddard immediately despatched a messenger to their Chief with a desire to pass unmolested and was desired to come on. However, before one battalion was quite formed, their horsemen began a distant fire with their matchlocks, and finding no immediate resistance, their insolence was so great, as to draw very near the troops in single men, to molest us, by which means two sepoys were slightly wounded. The security of the people then required a resistance, and the two guns placed for covering the landing with a small battery I had posted for the support of the troops in possessing themselves of the post they were to occupy, discharged a few shots amongst them which did execution.

The detachment marched from the beach, and met with no opposition, the Mahratta troops retreating before them the whole way to the village from whence they wheeled off through some rugged ground to a plain about a mile inland from the fort. Colonel Goddard had detached Major Fullerton, with four Grenadier companies to his left, to prevent any surprise in the rear of his detachment from the high grounds, with directions for their joining at the village; but the road being much intersected through the deep broken ground, he was led near a mile from the extremity of the village, almost intercepting the retreat of the troops from the fort; at this time the parties that had gone off with their baggage and effects to a post about 3 coss on the Jellapore Road were returning in search of plunder, and to aid in harassing our troops, collected here to the number of about 1,200 men; they attacked the Grenadiers with some sutrenalls and rockets, and pressed them so hard, that the fourth battalion with two guns immediately marched from the village to their relief and the seventh battalion was ordered to follow. On the junction of the fourth battalion, a few rounds decided the contest, and the enemy retreated to Etowrak, the place where they had carried their effects. It was too far in the day and the troops too much harassed by being a long time under arms to think of pursuing them, and the detachment returned to the bank of the river taking up their post between the village and the fort. The fort they found evacuated; Colonel Goddard therefore possessed it immediately. In this attack a few Grenadiers were wounded, but none dangerously.

I have been thus particular to point out to you, gentlemen, that the steps I have pursued, and the endeavors I used to obtain the acquiescence of the Chiefs Ballajee and Gunga Dur, were consonant to your orders and such as will obtain your approbation, and that the jealous disaffection of the Mahratta Chiefs alone has produced this first hostility. I do also assure you that I will yet strive to secure their peaceable admission of my march. The Fort of Calpee is an excellent hostage; this, together with the knowledge they now have that your troops will not patiently bear an insult, may affect their ready acquiescence.

Another vakeel from Ballajee is with me, who denies that the opposition has been made by authority, and solicits friendship from me. On proper pledges I will grant it, but the deceit they have already used will not admit of my placing too much confidence in their professions.

I have the pleasure to acquaint you that the officers and troops behaved with the greatest alacrity, at the same time they observed the strictest discipline and regularity.

I have the honour to be, &c.,

MATTHEW LESLIE.

The Governor-General lays before the Board the following draft of an answer to the above letter for their approbation.

Draft of a letter to Colonel Leslie, Commanding the Detachment from the 1st Brigade.

SIR,—We have received your letter dated the 20th ultimo. It affords us great satisfaction, and adds to the confidence which we before reposed in your conduct, to observe the attention which you have shewn to our instructions in your endeavours to conciliate the Mahratta Chiefs to the march of your detachment, and in your forbearance to retaliate their hostilities, until the safety of your party made it necessary to repel them.

We do not regret the opposition which you have met with, since it has afforded you an occasion of proving the sincerity of our professions, and the Mahrattas to be the aggressors in this early act of hostility; at the same time that the ill-success which attended it cannot have failed to make an impression, which we hope will discourage them in their future attacks, for such we ought to expect, nor can we doubt that this was made by authority, though disavowed by their principals; we have less apprehension of their open hostilities than of their treachery, and therefore, although you inform us that you shall not place too much confidence in their professions, yet we think it necessary to repeat the caution, and to recommend that you do not suffer yourself by any appearances to relax from it.

We desire that you will advise Mr. Mostyn, the Company's Resident, on the part of the Government of Bombay, at Poona, of your proceedings and of all such occurrences as may require his explanation of them to the Government at Poona, or the interposition of its authority to prevent the like attempts in others to interrupt the course of your march.

We are, &c.

MR. FRANCIS.—The opposition made by the Mahrattas to Colonel Leslie's passage over the Jumna is to me, I confess, an unexpected event. I understood that great reliance had been placed on the solemn promises given us by the Mahratta Chiefs, of their pacific disposition, and of their resolution, not only to permit the detachment to march quietly through their country, but even to give them every possible assistance. At any rate, I did not expect that they would have discovered a hostile intention to us, until the detachment was engaged further in their country. As we at present know what we have to trust to, and as it seems to be agreed, that we ought to expect that they will do everything in their power to interrupt the march of the army, it is my opinion that we ought not to attempt to proceed any further, at least until the rains are over. I think that we hazard the safety of that army, on which perhaps the safety of Bengal and of the whole British Empire in India may depend, by attempting to force a passage from one side of India to the other at this unfavourable season of the year, and in the face of an enemy determined to oppose it. The Mahrattas have it in their power to distress, harass, and perhaps ruin any army that enters into their country in these circumstances, without ever coming to an engagement. I wish the opinion of military men to be taken, whether it be probable that Colonel Leslie's army under these difficulties can make good its passage from Calpee to Bombay, or how it is possible for them to insure the necessary supplies of forage and provisions during so long a march in the rains, if the Mahrattas are determined to do everything they can to distress him. On these principles I cannot approve of the proposed letter, except that part of it which recommends extraordinary caution, which undoubtedly ought to be observed, if the expedition is to be continued.

MR. WHELER.—I agree with Mr. Francis, particularly in that part of his minute which recommends the taking of military opinions upon the present state of the army under the command of Colonel Leslie.

Mr. Barwell.—Approves of the draft.

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The draft of the letter to Colonel Leslie being approved, agreed that it be written and despatched accordingly.

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Governor-General.—During a former period, in which my voice was excluded from an influence on the resolutions of the Board, I made it a rule, from which I never deviated, to assist and support every measure of the Council, after it had received the sanction of the concurrent opinions of a majority of its Members, although passed in opposition to my opinion. It was a duty which I owed to the service, nor has even the change of influence ever induced me to depart from it. But measures, which I deemed the most pernicious to the service, having been allowed to make their effect, I have supported them, and I do support them even to this hour. I have a right to complain of the contrary conduct of Mr. Francis in particular, and of Mr. Wheler, who has invariably joined with him in loading every measure of Government originally undertaken against their opinions with unremitted opposition. This is I believe the fifth time, if not more, that Mr. Francis has urged the recall of the detachment, after having thrown upon me and Mr. Barwell the entire responsibility of its appointment. I should not feel so sensibly as I do the authority of two Members of the Administration, which ought to be applied solely to the promotion of the Company's interests, and the effectual prosecution of the regular acts of Government thus employed to impede and counteract them, if their objections were derived from a studied knowledge of the subjects, how erroneous soever the conclusions from them might be. But it is my hard lot to contend with either misinformation or misrepresentation, for I will venture to say that there is not a syllable of Mr. Francis' minute that is not built upon wrong grounds of fact. I will examine every part of it in the order in which it was dictated. The minute begins with these words:—"The opposition made by the Mahrattas to Colonel Leslie's passage over the Jumna is to me, I confess, an unexpected event. I understood that great reliance had been placed on the solemn promises given us by the Mahratta Chiefs of their pacific disposition and of their resolution not only to permit the detachment to march quietly through their country, but even to give them every possible assistance." No such declaration of the solemn promises thus given by the Mahratta Chiefs appears on any part of our records, nor can I conceive why this assertion is so pointedly made, unless it be to suggest the danger of a march of the detachment through a country united under one Government, and combining all its powers to destroy it from the banks of the Jumna to Bombay. I can say for myself that I never entertained the same assurance of the pacific disposition of the Chiefs of the Peishwa's immediate jurisdiction.

I proceed with the words of the minute—"At any rate I did not expect that they would have discovered a hostile intention to us, until the detachment was engaged further in their country; as we at present know what we have to trust to, and as it seems to be agreed that we expect that they will do everything in their power to interrupt the march of the army, it is my opinion that we ought not to attempt to proceed any further, at least not until the rains are over. I think that we hazard the safety of that army, on which perhaps the safety of Bengal and of the whole British Empire in India may depend, by attempting to force a passage from one side of India to the other at this unfavourable season of the year, and in the face of an enemy determined to oppose it. The Mahrattas have it in their power to distress, harass, and perhaps ruin any army that enters into their country in these circumstances, without ever coming to an engagement." I lament that such alarming declarations cannot be confined to our records, and I lament the dangerous consequences to which the Company's interests must be exposed both here and at home by such a denunciation pronounced by a Member of this Administration, and of universal ruin to the British Empire from the effects of a partial measure, which was unfortunately undertaken without

his concurrence. A very short reply will be sufficient to dissipate such ill-grounded apprehensions. The districts which depend on the Chiefs, who have commenced the first hostilities against the 'detachment, extend but to a short distance from Calpee. Three or four days, or at most a week, will be sufficient for it to reach the borders of Bundelcund—a country neither subject to the government of the Mahrattas, nor likely to be influenced by their example; from Bundelcund the route will be through the district of Bhopal, which is under the government of a Pathan Chief, acknowledging no other submission to the Mahratta State than the payment of the choute. I am not master of the exact geography of this country, but I can affirm that this district includes so narrow a space, that it is neither mentioned in our maps nor known at this distance, but to persons who have occasionally passed through it. The rest of the way to the borders of Candeish, and of the countries which are contiguous to Poona, lies in the dominions of Moodajee Boosla, who is at this time the most powerful of the Chiefs who bear the Mahratta name, who holds his possessions in his own right, and independent of the Government of the Peishwa, even by the confession of the members of that Administration. From him I have received the warmest assurances of assistance, and even invitations repeated to Colonel Leslie as well as to myself, for the march of the detachment into his country. The knowledge which I have acquired of his political interests and objects is a warrant yet stronger for my confidence in his fidelity. If the safety of our detachment has been thus far secured, I think there is little danger from the opposition it may meet with in the remainder of its progress except the event of a war, should a war be the consequence which in defiance of the most guarded precautions of human prudence must ever be in some degree fortuitous. Yet it is my opinion that this undertaking is as little liable to adverse consequences as any expedition that has ever yet been set on foot by any one of the English Governments in India; and I am willing to stake my reputation on the event of it. Twice is the rainy season repeated in this minute as an objection. The same objection has been before twice made by Mr. Francis, and very fully answered. It is hard to exact from me repeated answers to the same objections without an argument urged to support them. I shall content myself with appealing to my former reply which is contained in my minute of 21st May.

To proceed in the words of Mr. Francis' minute: "I wish the opinion of military men to be taken whether it be probable that Colonel Leslie's army under these difficulties can make good its passage from Calpee to Bombay, or how it is possible for them to ensure the necessary supplies of forage and provisions during so long march in the rains, if the Mahrattas are determined to do everything they can to distress him." I do not desire to consult opinions on a measure already determined, but to state the question in the terms proposed would be to deceive those to whom it was put into false opinions, the necessary consequences of false premises. The minute concludes in the following words:—"On these principles I cannot approve of the proposed letter except that part of it which recommends extraordinary caution which undoubtedly ought to be observed if the expedition is to be continued." The question before the Board is, whether a letter shall be written to Colonel Leslie consisting of two distinct points; the first is an approbation of his past conduct; the second a caution to beware of treachery. The reply given by two of the Members applies only to the last point included in the question with a total silence on the first, while the debates of the Board have been introduced and consumed the whole time of the morning on a subject totally foreign from both. It may suit the system adopted, whatever that be, by the dissenting Members of this Council to continue the same means which have been used to this time, to defeat the measures which have been adopted against their consent. I declare in this place my unalterable determination to prosecute it to the utmost of my power to its conclusion.

Mr. Francis.—What rules of conduct Mr. Hastings may have prescribed to himself in former times is not a question I am concerned in. *My* conduct, I trust, will want no apology, as long as it is guided by my own sense of what my duty demands of me, though it should not correspond with *his* example.

Neither do I know, nor do I mean to enquire, what those measures are, which, though taken by the late majority in opposition to his opinion, and though of a nature the most pernicious to the Company's service he continues to support, but this I do know, that all our measures were approved of by the Company, and none of them so strongly as those which received the greatest opposition at this Board.

Admitting the rule, alluded to by the Governor, to be a good one, I conceive it does not strictly apply to the present question. In proposing to stop the march of the detachment, I do not properly retard or embarrass the execution of a measure already resolved on, while all circumstances continue the same. I propose a new measure on the ground of a new and unexpected event. With respect to the constant opposition which I am charged with having heretofore given to this measure, I avow the fact, and am glad to see it established by testimony that cannot be disputed. In referring to the pacific declarations of the Mahratta Chiefs, I spoke from a strong impression on my memory which I believe has not misled me. Moodajee Boosla repeatedly promises to furnish the army with all necessaries, and to conduct them with security through his territories. I did understand that Ballajee and Gunga Dur had given us assurances to the same effect. Their letters to Colonel Leslie are full of amicable professions, which were continued to him by their vakeels in his camp, even to the time when their troops were attacking his advanced parties. He now says "that the jealous disaffection of the Mahratta Chiefs alone has produced this first hostility." I for my own part see no reason why all these Chiefs should not act on the same principles. Their general interests must be the same, and the first of those interests, I conceive, must be to prevent a foreign force from penetrating into their country, under any pretences whatsoever. What the particular conduct of Moodajee Boosla may be, is uncertain. The proceedings of the other Chiefs give us no cause to rely on his good faith, or pacific intentions. I, for myself, place no confidence in them. My objection to the march of the army, on account of the rainy season, does not now stand on the same ground on which it was first urged. It was confined to that consideration only: it is now united with that of a military opposition. Either of these difficulties singly might perhaps be surmounted. It now appears that we have both to contend with.

I have no apprehension that my opinions given at this Board will reach the Mahrattas or will have any effect upon the operations in the field. They are easy and obvious conclusions from facts known to everybody. If I am singular in drawing such conclusions, my opinion, though it should be universally known, can produce no effect. I confess that I did not attend to the formality of approving Colonel Leslie's conduct, which I should not have objected to; my mind was filled with objects of more consequence. To the concluding sentence of the Governor's minute I shall content myself with saying that I neither have formed a system of personal interest, nor am I able to devise one, which could be promoted or retarded by stopping the present expedition, neither am I peremptory in saying that I shall at all times and in all circumstances oppose it to the utmost of my power, because a state of facts may exist to which I may be compelled by necessity to accommodate my conduct.

THE GOVERNOR-GENERAL.—I will not lengthen a debate which originally arose from a subject to which it does not regularly belong, and has run into others, yet more foreign from it, but there is one point which demands my reply.

I have complained of the unfair application which Mr. Francis has made of the general and equivocal term Mahratta, which in the only sense that it will bear in his inferences means only that part of the Mahratta Government which acknowledges the sovereignty and immediate authority of the Peishwa and his Ministers; but the facts from which these inferences are reduced relate to a variety of powers and interests which are entirely separated from the Peishwa's Government, and which their original dependence on it has even converted by a necessary consequence into an opposition to it. The greatest part, at least

two-thirds of the line proposed for the march of the detachment belongs to powers that acknowledge no obedience to the Mahratta State properly so called; that of Bundlecund does not even bear the Mahratta name, yet it will be impossible for any uninformed person to read Mr. Francis's Minute, even the latter though dictated after he had been reminded of this essential distinction, without concluding from them that the whole country lying between the present station of the detachment and its termination at Bombay was occupied by one power, and that power ready to act uniformly against the detachment in every stage of its progress.

The promises given by Moodajee Boosla will not warrant the supposition with which Mr. Francis begins his first minute, and on which he expresses his disappointment, since this Chief, though confounded in the general Mahratta name, is not a dependent of the Mahratta Government, neither will the assurances given by the Chiefs, Ballajee and Gunga Dur, justify Mr. Francis's expectations of a pacific conduct in the Mahratta Chiefs, since their names were never mentioned before, and they are now only mentioned to shew that neither their conduct nor intentions were pacific.

Yet one word more. It would lead me into a discussion too pointed and too personal were I to reply to the latter part of the preceding minute in which Mr. Francis is pleased to say that he is not able to divine one system which could be promoted or retarded by stopping the present expedition. To this I shall briefly answer that the disgrace of those who planned the present expedition, the irreparable loss of the credit of this Government, and a perpetual distrust in all its future acts, exclusive of the forfeiture of the advantages for which it was originally concerted, would be the infallible consequence of stopping the present expedition. It would ill-become me to connect such consequences with a supposed system of party, how obvious so ever the transition may be, and however warranted by universal practice from the defeat of those who have the conduct of affairs to the triumph of their opponents. A constant series of opposition may likewise produce the effect of stamping on the authors of public measures the opprobium of every failure of success, which may at any time attend them, at the same time that its public and popular influence essentially tends to prevent their success.

The Governor-General—lays before the Board the following draft of a letter which he proposes with their approbation to write to the Peishwa and his Ministers, and he further proposes that copies of it and of the letter just received from Colonel Leslie be transmitted to Mr. Mostyn; that he be informed of the directions given to Colonel Leslie to advise him of his proceedings and of all occurrences that may require his explanation of them to the Poona Government, or his application to that Government for the interposition of its authority to prevent any impediment to the march of the detachment; that he be also desired to correspond with Colonel Leslie, and to inform him of any circumstances that he may deem it useful for him to be acquainted with.

To the Peishwa. *Written 9th June 1778.*

I some time ago informed you of my design to despatch a body of troops from hence to strengthen the garrison of Bombay, and requested that in consideration of the friendship and treaty subsisting between you and the Company which it was my determination strictly to abide by, you would give order to all your Chiefs in the several districts through which the march of the troops lay, for their unmolested passage, and to supply them with such assistnace as they should stand in need of. Notwithstanding which I learn from Colonel Leslie, the Commander of the detachment, that being arrived on the banks of the Jumna he halted and wrote letters to Ballajee and Gunga Dur, the Chiefs of the districts lying between their river and Bundelcund under your authority, assuring them of his pacific intentions and requesting permission for the march of the detachment through their territory, in answer to which he received assurances of friendship and assistance which was confirmed to him by the arrival of a vakeel on their part; that he in consequence prepared to cross

with his army, but before the first division were fairly embarked, a party of horse came down and fired on them, and on their arrival on the opposite bank they were opposed by a body of 1,200 horses with the killadars of Calpee at their head. On this the Commander of the division sent a message to the killadar to desire he might pass unmolested, and receiving an answer to come on, accordingly advanced, but was fired on at a distance which he, in consequence of the orders he had received, declined returning; emboldened by which the horse advanced their attack so near the troops, that several being wounded, it became necessary for their own safety to make a vigorous opposition which was not effected without the loss of many lives before the assailants were put to the flight, and our officers finding the Fort of Calpee evacuated, took possession of it as a pledge of their future good behaviour. I am convinced that these acts of hostilities must have been employed without authority from you or the Ministers of your Government, because of the treaty which subsists between you and the Company. The Presidency of Bombay is situated at such a distance from this, that any reinforcement which is sent them must necessarily pass through a variety of districts, subject to different Chiefs, and whatever conduct might be expected from strangers with whom the Company have no connection, it could never be expected from you with whom they are on terms of friendship. Necessity required that the troops should be sent, and they must either pass through part of your country, or not go at all. I was therefore remediless, but the most strict injunctions were given to the Commander, to observe the most friendly conduct and regular discipline in his march, which, I am satisfied, he will literally comply with.

I do not mean to demand satisfaction for what is past, as those of your people, who were the aggressors, have received the punishment due to their temerity; but I am to request that you will without delay issue such positive injunctions to all the officers and your Government as may effectually prevent anything of the like nature in future.

To SUCCARAM AND BALLAJEE PUNDIT of the same tenor.

The Board approving the above letters.

Agreed that the Governor-General be requested to order them to be written in Persian, and that they be forwarded in the following letter to MR. MOSTYN.—

To THOMAS MOSTYN, Esq.,

Resident at Poona.

SIR,—Colonel Leslie who commands the detachment ordered to proceed to Bombay having met with opposition in crossing the Jumna at Calpee, we enclose a copy of his letter to us on this occasion, and of a letter which has in consequence been written by the Governor-General to the Peishwa, that you may be prepared to answer any remonstrances that may be made to you by the Poona Government on that subject.

We have directed Colonel Leslie to advise you of his proceedings and of all occurrences that may either require your explanation of them to the Mahratta Government, or an application for the authority of that Government, to prevent his meeting with any further impediment in the course of his march through their dominions. We also request that you will be regular in corresponding with Colonel Leslie, and that you will apprize him of any circumstances which you may deem it useful for him to be informed of.

FORT WILLIAM,
The 8th June 1778.

We are, &c.,

Fort William, the 11th June 1778.

Secret Dept.,

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, ESQ.

The Proceedings of the 8th instant read and approved.

Received the following letter from Bombay:—

To the HON'BLE WARREN HASTINGS, Esq., Governor-General and Council at Fort William.

GENTLEMEN,—We are still in the same state of uncertainty as when we last had the honour of addressing you on the 5th ultimo. The new Darbar, after preserving a long and mysterious silence with respect to their intentions towards Ragboba, had a meeting with Mr. Mostyn on the 10th, when they desired he would accompany a deputy they intended sending to Bombay with proposals regarding Raghoba, but without making the least discovery that could lead us to any knowledge what share of the Government they would admit him to, or whether they would admit him to any, which in fact is now optional with them.

They have still continued to find pretences for delaying the despatch of their agent, and the recollection of the former trifling proposals they committed to Mr. Mostyn has suggested to us to hold up to him the propriety of his not quitting Poona without some adequate commission; but our sentiments were conveyed to him in such a manner as to leave it to his discretion to act in this point as he might judge most for the good of the service, and we have in a late letter given him a still more explicit permission.

The assurances they have given of breaking off their connection with the French of which you have been advised by Mr. Mostyn make us willing to hope that the first and grand object of the measures we have proposed to you may be accomplished by this revolution; but as Monsieur St. Lubin is not yet dismissed from Poona, we shall not relax in our vigilance, nor suffer ourselves to be lulled into security by promises which are not confirmed by their actions. However, till we can judge with more certainty their disposition, the opinion we have formed on the present situation of affairs, and our desire to save the Hon'ble Company from the heavy expense, and their troops from the dangers and difficulties of a march from your provinces to this side of India, have led us to send an order to the officer in command of the forces you have been pleased to order to our assistance, not to advance any further until he may again hear from us.

It is proper you should be acquainted that when we came to this resolution, we had expectations of a reinforcement from Madras, which were indeed formed upon private advices, but the pattamars who brought these letters having been stopped near Poona and their packet opened, we concluded the public advices from that presidency had been intercepted, and gave the more credit to the private, also that Messrs. Draper and Stackhouse did not concur with us in this resolution, which they were of opinion was not warranted by any change in our situation either with respect to the designs of the French, the conduct of the Poona Government, or our own military resources.

Sir Edward Vernon after leaving this place fell in with the French ships the *Brilliante* and the *Sartine* and immediately returned to the northward

taking his station off Chowl, with a resolution to prevent the French from landing any troops there. He continued cruizing off that port till the 18th when, the French ships not making their appearance, he proceeded to the other coast.

We esteemed it incumbent on us to send Sir Edward Vernon a letter of thanks for his conduct on this occasion, in which he displayed so pointed an attention to the interest and welfare of the Hon'ble Company.

We have since learnt that Mr. Belcombe himself remained at Myhe, and that the *Brilliante* proceeded to Mangalore, where several artillery officers, two hundred men, and a large quantity of military stores were landed for the service of the Nabob Hyder Ali, and the ship; after Sir Edward Vernon was out of sight to the northward of her, returned to Myhe to carry Mr. Belcombe back to Pondicherry. The *Sartine* is gone into Goa River, where she probably may remain during the monsoon; and it is there said the French were deterred from proceeding to Chowl by the appearance of our squadron, and supposing that war was declared, and perhaps by the news of the revolution at Poona; but we have learnt that the captain who was at Chowl has ordered her up thither (to Chowl).

BOMBAY CASTLE, The 2nd May 1778.

We are with respect, &c.,
WILLIAM HORNBY & *Council.*

Received the following letter from Poona :—

To the HON'BLE WARREN HASTINGS, Governor-General, and Council of Fort William.

HON'BLE SIR AND GENTLEMEN,—I did myself the honour of addressing you last under the 19th ultimo. On the 25th I received a letter from the Hon'ble the Governor-General enclosing three for the Darbar, and acquainting me with your determination to send a reinforcement of troops to Bombay. As I apprehended the march of so large a body of forces through the Mahratta dominions might greatly alarm the Darbar, I thought it necessary to send Mr. Lewis to camp, not only to present the letters, but also to explain the cause of our apprehensions from the connections between Nannah and Monsieur St. Lubin, and to apply for the necessary passports for the free passage of these troops, and their being supplied with a friendly bazaar. He accordingly set out the 28th ultimo, and returned the 4th instant, when he delivered me the minutes of his proceedings, to the enclosed copy of which I beg leave to refer you, from which Your Honor, &c., may perceive that no dependence can be had on what the Darbar jointly, or the Ministers individually say, for notwithstanding their so publicly despatching me, of which they also advised the Presidency of Bombay, and Morabah's assurances to Mr. Lewis, they have not to my knowledge taken one step towards completing that business.

I cannot account for Morabah's evasive behaviour, respecting the dustuck, in any other manner than the hopes he entertains of the troops not marching until the Governor-General shall have received the Darbar's answers agreeable to what he declared their vakeel had written, or that they will be recalled in consequence of the late change in this Government; however, to leave him as little room as possible for further evasions, under the 5th instant, I wrote Morabah a letter demanding a decisive answer in writing, and declaring him accountable for any ill consequences which may happen, from the want of the dustucks; but I am sorry to inform you, that notwithstanding this and several messages I have since sent him, I have not yet been able to procure an answer.

Notwithstanding Morabah's assertions to Mr. Lewis, Monsieur St. Lubin has not yet been to Purandhor, though it is said he is now sent for, but from the equivocating conduct of the Darbar both before and since Morabah has had the executive authority, it is a doubt with me whether they will despatch him, or even if they do, whether he will leave Poona, as from the lateness of the season he will have it in his power to delay the time, until the rains set in, when he will make the plea of its being impossible for him to go anywhere.

In consequence of Hurry Punt's retreat to Meritz, Hyder has lately taken two small forts named Copallnand and Bahadurburrah, and was, by the last accounts, attacking the Fort of Danvar, about 30 coss to the southward of Meritz, after the reduction of which it is supposed he will attack the latter place, particularly should the reports of Hurry Punt being on his march from thence to Purandhor by orders from the Darbar be true.

The enclosed packet to your address was received yesterday in duplicate from the Presidency of Bombay. On the 9th I received a letter from the Chief of Masulipatam dated the 22nd April, enclosing a packet for Bombay from Your Honour, &c., which was forwarded immediately.

POONA, The 12th May 1778.

I am very respectfully, &c.,
THOMAS MOSTYN.

THE GOVERNOR-GENERAL informs the Board that he opened the letter from Mr. Mostyn, and that the proceedings of Mr. Lewis said to be enclosed were omitted.

THE GOVERNOR-GENERAL.—I forbear in this place to comment upon the preceding letters. I suppose that the orders sent by the President and Council of Bombay to Colonel Leslie must have been received, but as it is possible that they may have been intercepted, I propose that a letter be written to Colonel Leslie informing him of the substances of this order, and confirming it by an order from this Board, but that he be directed to complete the preparations which he has been making for the equipment of his detachment, and that he hold himself in readiness to march on immediate warning.

MR. WHELER.—I feel myself very much averse to throwing any difficulty or embarrassment upon the subject now before the Board. The question as it stands I can approve in part, but without some further explanation I fear I cannot entirely accede to it. The first part of the letter advising Colonel Leslie of the substance of the Bombay letter, and the confirmation thereof by this Board I accede to, and likewise that he be directed to complete the preparations which he has been making for the equipment of his detachment, as I have reason to fear he is very ill-provided and prepared for so long and hazardous a march. As to the last part "that he hold it in readiness to march on immediate warning," I do not consent, unless the order shall previously receive the sanction of this Board; I likewise think it ought to be ascertained whether Colonel Leslie should, with his army, recross the Jumna or, if not, where, and how he is to dispose of it during the approaching rains.

MR. FRANCIS.—Considering the nature of the advices received yesterday from Bombay, I own I had not the least doubt that the present extraordinary Council was summoned with a view to countermand the expedition, and to recall our forces to the defence of our own dominions. The Presidency of Bombay tell us "that the opinion they had formed on the present situation of affairs, and their desire to save the Company from the heavy expense, and their troops from the dangers and difficulties of a march from our provinces to that

side of India, had led them to put a stop to the march of the army." After such a rebuff as this from the Government, in support of whose projects these extraordinary steps have been taken here, and after so plain a declaration from them that they will not take any part in the responsibility of a measure *so expensive, so dangerous, and so difficult,* I confess I had no thought that any idea of persevering in the execution of such a measure could still prevail at this Board. I was in hopes that nothing would be required of me to-day, but to join, as I should have done heartily, in approving the reversal of measures which I had constantly opposed and condemned. The motion by no means answers my expectations or comes home to my opinion. I think we should immediately send orders to Colonel Leslie to recross the Jumna, and to station his troops in such places as may be most convenient, and most easily made fit for their reception during the rains. I can never agree to their halting on the other side of the river. If it be in an enemy's country, the army must be exposed to many of the dangers and difficulties which would attend their march, and probably be forced into acts of hostility which may produce a general war. If it be meant that they shall quarter in the territories of the Raja of Bundelcund, I suppose it may be done without danger; but it must be attended with the ruin of his country at the same time that our army is detained from the defence of our own frontier. It is in vain for me to say more on a subject which has been so often discussed. I must leave it to the majority to decide as they think proper. One circumstance only I think it necessary to point out to the attention of the Court of Directors. We have hitherto been told that the French were engaging in dangerous negotiations with the Mahrattas, and this fact has been often pressed upon the Board as a reason for the part we have taken in their affairs. It now appears by the letter from Bombay that Monsieur Bellecombe had sent a ship of war to Mangalore, "where several artillery officers, two hundred men, and a large quantity of military stores were landed for the service of the Nabob Hyder Ali. But Hyder Ali is at war with the Mahrattas, and has lately obtained some advantages over them; it is impossible then that any intrigues between the French and the Mahrattas can have taken effect, if ever they existed. The conclusions, therefore, drawn from that supposed fact fall to the ground; and if we act consistently with our reasonings, the measures built on those conclusions must fall with them.

Mr. Barwell.—It seems to be the sentiments of Mr. Wheler and Mr. Francis that the detachment should continue embodied and remain under the command of Colonel Leslie. The only proposition contained in either of the votes that appears at all to militate against the orders proposed by the Governor-General is, that the troops shall be directed to recross the Jumna. Considering the policy that renders it necessary to continue the detachment embodied, I see no reason for restricting the officer in command of it from choosing that station for the troops he may in his judgment conceive best calculated, either to facilitate his progress, or to enable him to return to the provinces. From the time that has elapsed in preparing his force, the readiness in which it is to be kept to march at a minute's warning, it is equally calculated for offence and defence; and whilst it is not advanced to a greater distance than thirty or forty coss from the frontier of Oude, or Raja Cheyt Sing's dominions, I will venture to affirm that our powers of defence are greatly increased. In giving my opinion for the proposed order to Colonel Leslie, I do not think it essential to go back into the policy that gave rise to the armament at Calpee, though I think it necessary to propose an addition to the quotation made from the Bombay letter by Mr. Francis, following the words "landed for the service of the Nabob Hyder Ali. And the ship, after Sir Edward Vernon was out of sight to the northward of her, returned to Mahe to carry Monsieur Belcombe back to Pondicherry. The *Sartine* is gone into Goa River where she probably may remain during the monsoon, and it is there said that the French were deterred from proceeding to Chowl by the appearance of our squadron, and supposing that war was declared, and perhaps by the news of the revolution at Poona; but we have learnt that the captain who was at Chowl has ordered her up thither (to Chowl)."

Mr. Francis.—I have not made myself understood. My opinion is that the expedition should be absolutely countermanded, and Colonel Leslie's present

command of course dissolved, as soon as he has quartered his troops on this side the Jumma in the best manner the season will permit. After the rains, the several detachments of which his army is composed ought to be remanded to their former stations.

The Governor-General.—If I had thought it necessary to have replied minutely to the objections which have been made to the question, Mr. Barwell has precluded me by anticipating all that I could have said upon the subject; but there is an observation which Mr. Francis has introduced and expressed as it is, foreign from the question, of which I am compelled to take notice, by the solemn reference which he has made of it to the Court of Directors. Mr. Francis has said "one circumstance only I think it necessary to point out to the attention of the Court of Directors; we have hitherto been told that the French were engaging in dangerous negotiations with the Mahrattas, and this fact has often been pressed upon the Board as a reason for the part we have taken in their affairs; it now appears by the letter from Bombay that Monsieur Bellecome had sent a ship of war to Mangalore where several artillery officers, two hundred men, and a large quantity of military stores were landed for the service of the Nabob Hyder Ali." Mr. Barwell has properly added the context of this quotation and thereby restored it to the proper sense implied and intended by both. By this method of selecting partial passages, and by an artificial application or combination of them, of which I have too frequently had occasion to complain in the contests in which I have been unfortunately involved with Mr. Francis, it is in his power not only to pervert the original meaning of the text, but to draw any conclusions he pleases from them, however opposite to the sentiments of those who wrote them. I am in possession of materials received through channels too remote for the possibility of their having been suggested by the knowledge of what has happened on the other side of India, by which I learn that the destination of the troops which were landed from the *Brilliante* at Mangalore were for Chowl. The additional sentence of the Bombay letter which Mr. Barwell has desired to be inserted may serve in part to explain the apparent inconsistency of troops intended for the service of the Mahrattas being converted to that of their enemies, nor will it be difficult to comprehend the cause of so sudden a change in the conduct of Mr. Bellecombe on the difficulties presented to him, if we suppose him to have been reluctantly compelled into the support of a system formed independent of his authority, and that his own inclinations led him to prefer another alliance, which I have reason to believe was the case.

Mr. Francis.—I beg leave to say that my argument is not answered. I state it as a fact which is not disputed, that the French have lately sent military assistance to Hyder Ali, who is at war with the Mahrattas. From this undisputed fact I conclude that even admitting any negotiations whatsoever to have been carried on between the French and the Mahrattas at a former period, and even admitting the private information to which the Governor-General refers to be authentic (though to this Board it could be no evidence before it was mentioned), still it is true that the French have now taken part with Hyder Ali; of course we have nothing to fear from those dangerous intrigues, which, to save time and argument, I will admit to have taken place between them and the Mahrattas, nor any reason to persevere in the execution of measures which were adopted with a professed view to counteract those intrigues. This argument I take to be strict and in point. I submit to judgment whether it is answered by general complaints of unfair quotations which, considering that the letter quoted is before the Board, and will be before the Court of Directors, would be not less injudicious, than they would be unfair.

The Governor-General.—I will answer Mr. Francis's argument in the manner which he requires, still complaining, as I have a right to complain, of the partial selection of facts for the purpose of maintaining his opinion. It is true that the President and Council of Bombay write that they had learnt that the *Brilliante* proceeded to Mangalore, where several artillery officers, two hundred men, and a large quantity of military stores, were landed for the service of the Nabob Hyder Ali. They do not assert this for a fact, nor do they assert that the

report which they thus repeat to us went further than the landing of the troops, and the simple intention of employing them for the service of Hyder Ali. In effect this intelligence consists only of conjectural conclusions from an unascertaind fact. To this obscure intelligence, and to this vague inference drawn from it, I desire leave to oppose the following extract from Mr. Mostyn's letter containing the recital of an authenticated fact, admitting of but one conclusion, namely, that the Chevalier St. Lubin, the public and avowed Minister of the Court of France, was still retained at Poona in defiance of all the remonstrances of our Agent there, and of the President and Council of Bombay, and that the same countenance was shewn him by the members of the new administration as he had before received from the ruling members of the former Government; hence I conclude, in opposition to Mr. Francis' conclusion, that we have yet stronger grounds than ever, both for the conviction of the French intrigues with the Mahratta State, and for the fear of their consequences.

Extract from Mr. Mostyn's letter, dated 12th May 1778. "Notwithstanding Morabah's assertions to Mr. Lewis, Monsieur St. Lubin has not yet been to Purandor though it is said he is now sent for; but from the equivocating conduct of the Darbar, both before and since Morabah has had the executive authority, it is a doubt with me whether they will dispatch him, or even if they do, whether he will leave Poona, as from the lateness of the season he will have it in his power to delay the time until the rains set in, when he will make the plea of its being impossible for him to go anywhere."

MR. FRANCIS.—I did understand from the Governor-General's preceding minute that the facts had been admitted.

Resolved that the following letters be written to COLONEL LESLIE, to Bombay, and to MR. MOSTYN :—

To COLONEL MATTHEW LESLIE,

Commanding the Detachment from the 1st Brigade.

SIR,—By a letter which we have received from the President and Council of Bombay, under date the 2nd May, we are informed that the assurances given by the new Ministers at Poona of their breaking off the connection with the French had made the President and Council willing to hope that the first and grand object of the measures they proposed to us might be accomplished by the late resolution in the Government of Poona; but as Monsieur St. Lubin had not been dismissed, and they were uncertain whether the new Ministry were sincere in their promises, they did not mean to be relaxed in their vigilance towards the intention of that Government, however, until they could judge with more certainly of their disposition. The opinion which the Resident and Council had formed of the present situation of affairs, and their desire to save the Company from the heavy expense, and our troops from the dangers and difficulties of a march from this province to the west side of India, had induced them to send you an order not to advance any further, until you should hear again from them.

We conclude that ere this you have received their orders, and put a stop to the march of the detachment in consequence, but lest they should have been intercepted, or by some accident prevented from reaching you, we think it proper to confirm them by directing you to halt accordingly, until you shall receive further orders on the subject from the President and Council at Bombay, or from us; but you will nevertheless continue the preparations which you have been making for the equipment of the detachment under your command until they shall be completed, and we further direct that you hold it in readiness to march on immediate warning.

FORT WILLIAM, } We are, &c.,
The 11th June 1778. }

To the Hon'ble William Hornby, President and Council at Bombay.

Gentlemen,—We have received your letter of the 2nd ultimo.

Lest the orders which you inform us you have sent to Colonel Leslie should have been intercepted, or by any accident prevented from reaching him, we have confirmed them by injunctions to halt with the detachment under his command where he now is, on the other side of the Jumna, but to hold himself in readiness to continue his march on immediate notice.

Fort William, The 11th June 1778.

We are, &c.,

To Thomas Mostyn, Esq.

Sir,—We have this day received your duplicate letter of the 12th ultimo, enclosing one from the President and Council of Bombay, dated the 2nd of the same month.

For want of the copy of Mr. Lewis's proceedings, which are said to be enclosed in your letter, we are much at a loss to comprehend the facts which you allude to, but we observe with great concern upon the whole, that the new Ministers, by a dilatory and evasive conduct, have already furnished grounds to distrust the sincerity of the intentions which they had professed to you; we therefore wait with impatience for more clear and decisive advices of their proceedings, and we request that you will not delay to acquaint us with them by every opportunity.

In consequence of the letter from the President and Council of Bombay, wherein they inform us, that they had thought it proper to send orders to Colonel Leslie not to advance any further with the detachment under his command, until they should be able to judge with more certainty of the disposition of the new Government, and to furnish him with instructions for his conduct, we have confirmed these orders by directing him to halt, accordingly, where he now is, but to hold himself in readiness to continue his march on immediate notice.

We are, &c.,

The Governor-General.—I beg leave to turn the attention of the Board from a subject of debate to a point on which I persuade myself we shall be all agreed, and to submit to them the propriety of expressing the acknowledgments of this Board for the zeal and alacrity shewn by Sir Edward Vernon in the attempt to prevent the French troops which were expected from landing at Chowl. However his conduct may vary from the line of conduct laid down by us in our letter of the 23rd February to the President and Council of Bombay, it was an instance of his concern for the safety of the Company's settlements and zeal for the national interests which entitles him at least to some mark of approbation from that body which is entrusted with the general control of the British affairs in India. The letter does not express that the precautions which were thus taken by him were in effect of any requisition from them, although it is implied in the manner in which they appear to have expressed their sense of it; and if these are grounds for such a conclusion, his ready acquiescence makes the act the more meritorious.

Mr. Francis.—I am very unwilling to offer a negative to any general complement proposed to be paid to the commanding officer of the King's ships, and if the proposed letter can be so worded as not to imply a direct admission of facts, which I have constantly denied, or to implicate this Board in a question of a much more delicate and important nature, *viz.*, "whether an attempt on

the part, of the French to land troops at a neutral port, with the consent of the owners of that port, would of itself be sufficient to warrant our attacking them in violation of the peace now subsisting between the two Crowns," I say, if a letter of compliment can be worded in general terms, avoiding any declaration on the points I have mentioned, I shall agree to it.

THE GOVERNOR GENERAL.—I will endeavour to accommodate the draft of the letter to what I understand to be the general sense of the Board, and will submit it for their correction.

MR. WHELER.—I shall most willingly concur in a letter of thanks to Sir Edward Vernon for his activity and zeal for the Company's service in such general terms as the Governor-General understands to be the sense of the Board.

MR. BARWELL.—I agree to the letter proposed.

The following draft of a letter to SIR EDWARD VERNON was prepared and circulated. The minutes which appear in the margin were received upon it and the letter was afterwards copied fair according to the draft and despatched.

To COMMODORE SIR EDWARD VERNON,

Commanding His Majesty's Squadron in India.

SIR,—By a letter which we have received from the President and Council of Bombay dated the 2nd May, we are informed that "after leaving that place you fell in with the French ships, the *Brilliante* and the *Sartine*, and immediately returned to the northward taking your station off Chowl, with a resolution to prevent the French from landing any troops there; that you continued cruizing off that port till the 18th, when the French ships not making their appearance, you proceeded to the other coast."

N.B.—Are we justified by the Bombay letter in saying that Sir Edward Vernon returned to the northward taking his station at Chowl with a resolution to prevent the French from landing any troops there, if so, I would not include as follows:—

"As we have no property nor pretentions to property, &c., &c."

E. WHELER.

Whatever foundation there might have been for the designs imputed to the French, we think it incumbent upon us to express our thankful acknowledgments for this instance of the zeal you have shewn for the interests of the Company, and for the safety of their settlements, in your endeavours to discover the destination of Monsieur Belcombe and the French ships, and to defeat any intention* which he might have formed to land a body of troops at Chowl, a place so contiguous to the Island of Bombay.

Whether the requisition of the Presidency of Bombay be proper or otherwise the Commodore's ready acquiescence is equally laudable, and equally a proof of his zeal for the service.

W. HASTINGS.

* I would recommend that the letter should stop here, changing the words any intention into their intentions; the rest I think is needless and not confirmable to the Board's resolution.

P. FRANCIS.

The word "might" was intended to express the subject in a manner which might accommodate it to the different sentiments of the Board. The sentence barely expresses the intention imputed to the French, which was necessary to apply our approbation to the specific care for which it is given, but it neither declares that the French had such an intention, nor expresses a doubt of it, but leaves the existence of it undecided and unexamined. This appears to me to be literally conformable to the resolution of the Board, and I hope Mr. Francis, on reconsidering the draft, will view it in the same light. The sense will, I fear, be incomplete without the conclusion of the sentence.

W. HASTINGS.

Although a reference was made to us by the President and Council of Bombay of the supposed case of the French landing a force at Chowl, and we, after mature consideration of the subject, and of the extraordinary degree of caution which our general measures demanded, wrote them. "As we have no property, nor pretentions to property, in the Port of Chowl, we cannot authorize you to use any overt measures from preventing the French from forming an establishment at that place, however dangerous their neighbourhood may be to your Presidency; this must be effected by other means, that is by an appeal to that Power which alone can give them the right of possession; we think it necessary also to add the following injunction, that you do not, on any pretence, become the aggressors by commencing hostilities against the French directly, nor against the Mahratta State, but that you continue to adhere, as you assure us you will do, to the strict letter of the treaty subsisting between the Company and the present administration of the Mahratta State," yet this can neither detract from the propriety of your conduct, nor diminish our sense of its good effect, and as we understand, from the general tenor of our advices from Bombay, that you undertook this service in consequence of the representations and solicitations of that Presidency, we think it the more incumbent upon us to offer you this testimony of our obligation for the ready attention which you paid to them.

FORT WILLIAM, We have the honour to be, &c.,

The 11th June 1778.

Secret Dept., Fort William, the 22nd June 1778.

Monday. AT A COUNCIL, PRESENT;

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, ESQ.

The Proceedings of the 15th instant read and approved.

Received the following letter from COLONEL LESLIE:—

To The HON'BLE WARREN HASTINGS,

Governor-General and Members of the Supreme Council in their Military Department.

GENTLEMEN,—I did myself the honour of addressing you on the 30th ultimo, transmitting to you a copy of a letter received from the Hon'ble President and Council of Bombay.

The day before yesterday I advanced with the principal part of the troops that form this detachment with intention to take post on the banks of the Betowa River, leaving part of the park of artillery, the magazine, and one battalion of sepoys at Calpee.

Yesterday expresses arrived at my camp from the Resident at Poona, covering orders under date the 4th of May, that were despatched in quadruplicate from the Presidency of Bombay, which require the prosecution of my march towards that quarter in countermand of their former orders of the 22nd of April. Their original letter I now do myself the pleasure to lay before you, together with the Resident, Mr. Mostyn's letter of advice which accompanied it from Poona. In consequence of these instructions I have detached orders to the Officer Commanding at Calpee to join my detachment, with the magazine and troops under his charge, and shall wait his junction on the banks of the Betowa, from whence I shall proceed on my route through Bundelcund, with all possible expedition.

I am sorry to inform you that the backwardness which the Mahratta Chiefs have shewn to the performance of the engagements they have entered into with me makes me dubious of their real intentions. This circumstance will in some shape protract my march, but you may be assured that I shall not be diverted from my direct route through these districts by any resentment of their duplicity, however their conduct may merit it, more than the security of my detachment may absolutely require.

I have despatched cossids in acknowledgment of the letters I have received from Poona and Bombay, and shall be punctually attentive to their desire of being frequently informed of my advance.

HEAD QUARTERS,
MEER GAWA,
The 15th June 1778.

I have the honour to be, &c.,

MATTHEW LESLIE.

To the Officer at Calpee in command of the troops under orders for Bombay.

SIR,—I wrote you under the 3rd instant enclosing a letter from the Presidency of Bombay; this is purposely to give cover to a letter in quadruplicate from the same place, which is despatched by different routes as I am uncertain which road you mean to take. I shall therefore be obliged to you to inform me as soon as possible that I may be enabled to place dawk hircarrahs between this place and you. The men who will deliver you these letters are any of them able to inform you of the best and shortest road towards Poona. Agreeable to the orders I have received both from Bengal and Bombay, I am using my endeavours to procure the necessary passports for your free passage through the Mahratta dominions. I have not yet got a determinate answer from the Darbar with respect to them, but hope in a few days to be able to inform you with more precision; however, it will be necessary to be strictly on your guard, and to avoid as much as lays in your power giving any cause of complaint, though from the distracted state of this Government, and the dissensions amongst the heads, I do not believe they will dare to oppose your march. You may depend I shall keep you advised of every material occurrence necessary for your knowledge as soon as I know where to address you.

POONA,
The 11th May 1778.

I am, &c.,

T. MOSTYN.

To the Officer at Calpee in command of the troops under orders for Bombay.

SIR,—Notwithstanding our letter of the 22nd ultimo, we hereby direct that on the receipt hereof you march forward with the troops under your com-

mand, agreeable to your orders from the Governor-General and Council, and that you give us the most constant and punctual advice of your motions, and the route you pursue, that we may do all in our power to provide for the wants and facilitate the march of the army.

BOMBAY CASTLE, } We are, &c.,
The 14th May 1778. } W. HORNBY
and Council.

Received the following letter from Bombay:—

To the HON'BLE WARREN HASTINGS,

Governor-General and Council at Fort William.

GENTLEMEN,—We have the honour to forward a triplicate of our last letter dated the 2nd instant, since when we have received your letter of the 23rd of March.

We have not since received any further advices from the Resident at Poona, nor taken your letter into full consideration, and we only despatch this to acquaint you that we have taken off the restraint we had laid on the march of the troops from Calpee, and directed the commanding officer to advance towards this side agreeable to the orders he has received from you.

We shall do all in our power to facilitate his march, and to procure a safe and unmolested passage for the army, and write to you with all possible precision the moment we have taken our resolutions.

From the friendly intercourse that has appeared for some time past to subsist between the French and Hyder Ali Cawn, of which we gave an instance in our last letter, we think it would be a very proper measure to keep a Resident at his Darbar, to endeavour to penetrate and counteract their schemes. We therefore request to know if you approve this measure, to which we presume the Nabob can have no reasonable objection, as we are assured both the French and Dutch maintain Residents at his Court.

Having hitherto obtained no satisfaction from the Darbar for the concerned in the *Aurora*, notwithstanding our repeated representations and the letter from the Governor-General, we have fixed the amount of their loss as a claim upon the revenues of Jamboosur after the Company's demands on account the twelve lacks, and the country of three lacks are made good, and have resolved to retain that purgunah until the sum due to the sufferers is discharged with interest. Our proceedings, and the papers now transmitted by a sea conveyance to Madras, will shew the care we took to examine and ascertain the claims and to do all possible justice to the Poona Government, and we doubt not you will approve the method we have taken to obtain satisfaction for merchants whom it is our duty to protect.

It is with much concern we acquaint you that by the *London Gazette* of the 16th December just received from Bassora, we learn that General Burgoyne with his whole army, consisting of 3,500 fighting men, was compelled to surrender to General Gates on the 14th of October on condition of being transported to England from Boston, and not to serve again in America during the war. General Howe remains in possession of Philadelphia with which place the fleet have in vain endeavoured to open a communication, and three of our ships have been destroyed in the attempts, *viz.*, the *Augusta*, of 64 guns, the *Roebuck*, of 44, and the *Merton* of 16. General Washington was encamped within a few miles from Philadelphia, and the Congress had removed to Lancaster. General Clinton with a small army had proceeded up the river of New York and had met with some success.

The Council at Bussora have acquainted us that about the latter end of January two French gentlemen arrived at Grain from Surat on their way to Aleppo, and not choosing to wait for the caravan just preparing to set out from the former place, had come to Bussora, from whence they had proceeded by water

to Hilla. "They gave out that one of them was writer to the French Chief at Surat, and the other a military officer, and that they were proceeding to Europe with letters to French Ministry regarding a new settlement that had been lately made by their nation at Chowl." We doubt not these are individual persons mentioned in our letter of the 12th December, but the Council at Bussora add that through their impatience they had taken a route which did not promise much expedition.

BOMBAY CASTLE, The 9th May 1778. } We are with respect, &c., JOHN CARNAC, and Council.

Ordered that the inclosures in the above letter be entered after the Consultation.

MR. FRANCIS delivers in the following minute :—

As a formal motion from me, on the subject of the preceding letters, would only be productive of useless debate, I shall content myself with laying my opinion before the Board, leaving it to their consideration to adopt any part of it they may think proper. These letters bring new matter, and of course a new question before us. On the 2nd of May the Presidency of Bombay inform us that the opinion they had formed of the present situation, added to other considerations, had induced them to stop the march of the detachment. In two days they suddenly change their resolution without assigning any reason for it, and order the detachment to proceed. By this extraordinary omission I think they have failed very much in the respect they owe to this Government, and in their duty to the Company. If they act capriciously and without reason, common prudence dictates to us that we ought not to leave our army under such direction. If they have reason for this change of system, strong enough to supersede the arguments on which their first resolution was founded (which, considering the shortness of the interval, and that no event of any moment had happened in that time, is hardly conceivable), they designedly leave us in the dark with respect to the motives of their conduct, and make it impossible for us to act in concert or in confidence with them. I can place no reliance in the wisdom of men whose Councils, in the determination of the most important questions, appear to fluctuate without plan, principle, or object; much less can I think it safe or honourable to co-operate in the support of men who affectedly conceal the motives of their actions from us, though it be one of their principal duties to explain those motives to us. Either way, it is my opinion that we ought not to suffer the detachment to proceed, until we are informed what change of circumstances has induced the Presidency of Bombay to revoke their resolution of the 2nd May. That resolution, we know, was taken on solid ground, because their reasons for it were explained. We ought to be equally satisfied that the reasons for revoking it are powerful enough to justify the change. It would but ill-become the dignity of the Supreme Council of India to follow blindly the caprices of a subordinate Government; nor perhaps would it be quite consistent with our safety, considering that the Presidency of Bombay, even in this last act, endeavour to fix the responsibility of it upon us. They do not take it upon themselves to justify the march of the detachment as an act of their own. They say only that they have taken off the restriction under which they had laid the commanding officer, and directed him to advance *agreeable to the orders he had received from us*. We then are constituted the authors of the measure, and must be answerable for the event.

On what grounds they have proceeded I know not. But their own letter states a fact to us, which they ought to have compared with the actual circumstances of Colonel Leslie's army, and which I think should have deterred them from exposing it to a similar event. In the same breath they order the detachment to continue its march across India, forgetting everything they had said of the dangers and difficulties of such a march, and tell us a British army

attempting a passage through North America had been obliged to capitulate. It may be folly to draw omens from misfortunes, but it is equally want of wisdom not to suffer example and experience to have any weight with us. Independent of this particular consideration, I would wish the Board to consider whether the unfortunate event in America ought not to have a general influence upon our measures here, whether this be a season for hazarding offensive operations of any kind, and whether policy and prudence do not plainly dictate to us that, while the nation is so deeply engaged and pressed on one side, with everything to apprehend from the designs of France and Spain on the other, we should stand on our defence, and not weaken or divide the force on which the safety of Bengal may depend.

THE GOVERNOR-GENERAL.—Whether Mr. Francis' minute is delivered as a motion or merely as reflections upon the measures now before us, it equally claims the consideration of the Board. Mr. Francis is consistent with his conduct in repeating his instances for the recall of the detachment; I am equally consistent in proposing that the measure which has been so deliberately resolved on shall be prosecuted, since no new circumstance has intervened to induce me to change my opinion, nor has Mr. Francis urged one new argument in support of his, except the defeat of General Burgoyne in America, to which I hope he does not expect an answer. The reasons given by the President and Council of Bombay in their letter of the 2nd May for suspending the march of the detachment were grounded on circumstances of which they were not competent judges. The expense, the danger, the responsibility were ours. In effect these do not appear to me to have been the reasons. We shall probably be informed of them with their promised letter containing their resolutions, but it is of little moment to the present question what were the motives for their conduct, either in suspending the march of the detachment, or in directing the prosecution of it. The original measure is ours, and all our resolutions concerning it ought to proceed from our own knowledge of the circumstances which have any relation to it.

I hope that our affairs in America are not in the desperate situation in which they are described to be; but I see no connection between them and the concerns of this Government, much less can I agree that with such superior advantages as we possess over every power which can oppose us, we should act merely on the defensive and abruptly stop the operation of a measure of such importance to the national interests and to the national safety as that in which we have now decidedly engaged, with the eyes of all India turned upon it. On the contrary, if it be really true that the British arms and influence have suffered so severe a check in the Western World, it is the more incumbent on those who are charged with the interest of Great Britain in the East to exert themselves for the retrieval of the national loss. We have the means in our power, and if they are not frustrated by our own dissensions, I trust that the event of this expedition will yield every advantage for the attainment of which it was undertaken. It is not long since one of the many motions which have been made for the recall of the detachment was supported by an argument drawn from the certainty that there was no probability of a war with France, and the designs attributed to the French in this quarter of the World were treated as chimerical and groundless. Now we are told that the nation is deeply engaged and pressed on one side with everything to apprehend from the designs of France and Spain on the other, the conclusion drawn from this state of appearances is that we should stand on our defence and not weaken or divide the force on which the state of Bengal may depend. The conclusion which I should draw from such premises is the very reverse. Not that we should act upon the defensive and wait till the designs of our enemies are ripe, and they have chosen their own time to carry them into execution, but that we should provide for the safety of Bengal by obviating the impending dangers, and by rendering their attempts abortive before the time destined for their birth.

MR. FRANCIS.—As I do not mean to enter further into the general argument, I shall only observe that the new matter, which I think these letters bring before us, arises in part from the profound silence of the Bombay Council on the motives of a positive resolution. When nothing is said in support of the

affirmative of any question, that circumstance alone is sufficient to justify the negative.

My language and opinion with respect to the designs of France and the policy to be observed by this Government will be found invariably the same. I do indeed believe that the schemes imputed to them of alliances with the Mahrattas and of hostile projects on the Malabar Coast were chimerical. Their connections with Hyder Ali show at least that they have taken a very different turn. But I have constantly urged the necessity of arming in Bengal, and standing in a posture of security and defence here, without provoking a quarrel with France, as long as it could be avoided, because I am instructed by the Company and convinced by my own judgment, that we ought to make the safety and preservation of Bengal our principal object. As I find there are no public letters before the Board to inform us of the particular circumstances that attended Colonel Leslie's march on the first day from Calpee, I beg leave to lay before the Board an extract of a private letter from camp, to which I give credit, and which I think deserves our consideration. I understand there are many private letters in town which give the same accounts.

"On their first day's march from Calpee, by the little care that was taken to provide proper guides, they lost their road, and although the ground they proposed to encamp upon was but eight coss from Calpee, yet they were eleven hours on the road, from midnight till eleven o'clock; during this time they marched above 30 miles over a burning sandy plain, without a drop of water. Between three and four hundred sepoys and followers of the camp died raving mad with thirst.

"Captain Crawford, one of the best and bravest military characters in India, died that day, according to the opinion of the doctors, for want of a draught of simple water. He died mad after two hours' illness. Colonel Parker, Major Fullerton, Captain Ashe, Captain Mowers, and about 11 subalterns were dangerously ill."

The Governor-General.—May I ask Mr. Francis the name of the writer of this letter since it is delivered as authentic.

Mr. Francis.—I have stated it to be a private letter, consequently cannot mention the writer's name, nor would I have introduced it at all if there had been any public letter from Colonel Leslie stating the circumstances that attended his march. I do not find that he has even reported the death of Captain Crawford, but I can assure the Board with certainty that there are many letters in this town to the same effect.

The Governor-General.—Of the death of Captain Crawford I received advice from Colonel Leslie written at the same time with his public letter to the Board, and confounding one letter with the other did believe till this instant that it was mentioned in his public letter. I have not the letter by me, but will send it as an extract of it, that it may be entered in this place. I believe that the troops must have suffered from the heat and want of water on the road. I did in effect foretell it in a minute dictated at this Board, but I believe that the anonymous extract produced by Mr. Francis is a gross exaggeration and calculated more to conciliate the favour of the person to whom it was probably addressed than to convey a strict relation of the truth.

Extract of a letter from Colonel Leslie to the Governor-General, dated the 5th June 1778.

"I will address you again tomorrow. I have sent the requisite orders for magazine to join me from Calpee and can assure you I shall do my utmost to get on, though we have at present to struggle with a most inclement season.

"I have had the misfortune to lose Captain James Crawford, who commanded the 4th battalion of sepoys, by a most violent fever which carried him off in less than two hours. His private character and acknowledged abilities in his profession are not unknown to you.

"I bear more than my share in the universal regret and grief at this accident, not only by the loss the service in general sustains, but the present expedition in particular."

We have the honour to be, &c.,

MATTHEW LESLIE.

I now return to Mr. Francis' last minute. I cannot agree with Mr. Francis in terming the silence of the Presidency of Bombay new matter for a question depending solely on our own resolutions; but whatever weight this argument may have on one side, it is equally counterpoised on the other, and leaves us just where we were with respect to the motives of our own actions. They were silent on the causes which induced them to suspend the march of the detachment. They were silent on their motives for repealing this suspension, and I, for my own part, am better pleased with the solicitude they have shewn to make Colonel Leslie acquainted with their last intentions than if they had waited, and of course unnecessarily impeded the service, for the tedious official formalities of a public letter detailing all their reasons.

If Mr. Francis does indeed still believe that the schemes imputed to the French, of an alliance with the Mahrattas and of hostile projects on the Malabar Coast, were chimerical, I would beg leave to ask him, but do not insist on his answer, whether he believes the character assumed by the Chevalier St. Lubin of a Public Minister from the Court of France to be false, and whether the attestation of it by Succaram Baboo and Nana Furness, the Ministers of the Mahratta State, and the formal notification made by them to this Government that the Chevalier St. Lubin had delivered letters and presents from the King of France were false, and for what purpose this collusion was concerted. If it be admitted that the Chevalier St. Lubin is Minister from the Court of France to that of Poona, what is the object of his long residence? and what was the object of his mission? When the conclusion which I have drawn from such appearances, and which has been echoed by all the world, is pronounced chimerical, I have a right to require that some other be set up in its stead. Much stress has been laid on a former assertion made by me respecting the supposed grant to St. Lubin of the Port of Chowl. I had but repeated what I knew to be on our records, but could not immediately turn to the passages which related to it, and I trusted to time, the best discoverer of truth, to justify the opinion which I founded upon them. I now beg leave in this place to quote the following passage of a letter from Fort St. George, dated 16th January last, which mentions the grant of the Port of Chowl as a fact of undoubted notoriety: "With respect to any connections which may have been formed by the Mahratta State, we can only speak from conjecture. It seems probable that some engagements may be in agitation or perhaps concluded between that State and the Subah, and they have lately, we believe, maintained a close correspondence with the French as appears from the proceedings of Monsieur St. Lubin at Poona, and the grant which they have given to the French at Chowl on the Malabar Coast, of which you have lately been advised." I never supposed that a public grant or sunnud had been executed for this purpose. This would not have suited the policy of either party. The present use of the port, and the promise of it in perpetuity, was all that the Chevalier St. Lubin could desire until his designs were ripe for execution. I believe most firmly that such a promise was made him by the ruling member of the administration, nay, I have been informed, and by an authority which, though I think myself not at liberty to mention it, merits my entire credit of it, that St. Lubin did make a purchase of a church standing near the shore for the purpose of establishing a present store-house, and of converting it, with the ground around it, to a fortress hereafter. I shall now produce the last and most conclusive evidence of the reality of the engagements executed between Nana Furness and the Chevalier St. Lubin, and even of the design to grant the property of the Port of Chowl to the latter. It is extracted from Mr. Lewis' diary. I shall insert the passages at large, and desire that the parts to which I allude may be marked by a line drawn underneath.

Extract from Mr. Lewis' Diary.

"*Wednesday, 29th April.*—On account of some particular religious ceremonies Morabah was engaged in, this being a holiday, I had not an opportunity of seeing him until 7 o'clock P.M. I found there Chintoo Wittal and Gopal Naique Tumbackeer. After delivering the letters from the Governor-General agreeable to Mr. Mostyn's orders, I explained their contents, when

Morabah asked me whom we had to fear. I told him that in consequence of the Governor-General and Council being advised of the treaty with Monsieur St. Lubin they had cause to imagine some evil designs were intended against the Company's settlements on the western side of India. He immediately answered that there was no treaty between this Government and that gentleman. I replied that I sincerely believed there was not, but that I was convinced there was one subsisting between Nana and him, the contents of which we had the greatest reason to suppose were greatly to our prejudice, and that it was in consequence of this treaty that the troops mentioned in the Governor-General's letter were coming to the assistance of Bombay. I therefore requested the necessary dustucks for their freely passing through any part of the Mahratta dominions they might have occasion to come, as well as their being properly supplied with a friendly bazaar. Morabah confessed a knowledge of the treaty between Nana and Monsieur St. Lubin, but said he could not give me an answer with respect to the dustucks I required until after the Darbar met tomorrow.

"*Sunday, 3rd May.*—About 6 P.M., Morabah sent a message desiring my attendance at the Darbar. I accordingly went and found there Crustrow Beloh, Chintoo Wittal, and Gopaul Naique Tumbackeer. Morabah told me that as the letters from the Governor-General mentioned the troops he was sending to Bombay to be on account of the French being here, he had sent for Monsieur St. Lubin in order to give him his despatches, and requested to know if in such case we should still want the dustucks I asked for at my last visit, or whether the troops would be prevented proceeding. I answered that according to the Governor-General's letter to Mr. Mostyn, the troops would now have been near twenty days on their march, and that of course the dustucks would be necessary to prevent any disputes on the road, to which he observed that the Darbar's vakeel had written them that the Governor-General had told him the troops would not march until the Darbar's answers were received. I replied that this was contrary to what the Governor-General had written to Mr. Mostyn, but perhaps they might be stopped should the news of the change in Government which Mr. Mostyn had despatched the day after it happened reach Calcutta in time, but as this was very uncertain I repeated my request for the dustucks being delivered to me to prevent any bad consequences which might happen from the want of them. Crustrow Beloh then took up the discourse and mentioned again the letters they had received from the Governor-General respecting Chowl being given to the French and Monsieur St. Lubin having the command of the Toff Connah, and made some trifling excuses for Monsieur St. Lubin staying here so long. He allowed that some kind of promises had been made that gentleman, but said they were given only with a design to amuse him. I replied that the Darbar best knew their own reasons for detaining him, but that after the many equivocations they had been guilty of, until he arrived at some French or English settlement, we could not believe that they really meant to send him away, and that Mr. Mostyn had already replied to the other points. Morabah then said that the Darbar had hitherto acted very improperly in making so many evasions about him; from which the English had an undoubted right to suspect something was intended against them, but I might, however, depend Monsieur St. Lubin should be despatched in two or three days."

MR. FRANCIS.—My private belief is not stated as an argument that ought to weigh with the Board, but merely to clear the consistency of my own conduct and opinion, in answer to an objection urged against it. In many of our late debates I have formally admitted the possibility of the schemes and negotiations said to be carrying on between the French and the Mahrattas; but at the same time have contended that all such schemes and negotiations have totally failed of success. The fact beyond all question is, that the French at this day are not in possession of Chowl, and I presume it will not now be disputed that they are engaged in connections with Hyder Ali, who is at war with the Mahrattas, and that they have furnished him with military assistance.

With respect to Monsieur St. Lubin, he is an agent of so low an order, and a person of a character so infamous in India, that I cannot believe he was ever intrusted with a letter from the King of France. What his designs have

been, or what instructions he may have received from his employers, I know not. It is sufficient for the support of every argument, in which I have taken part on this subject, that his hopes, whatever they were, have been disappointed, and that his designs are actually defeated.

THE GOVERNOR-GENERAL.—As Mr. Francis has shifted the grounds of the question, I am not bound to continue the argument, but in answer to one passage only which is directly applied to the present subject of debate. As Mr. Francis is now pleased to say that he cannot believe that he was ever intrusted with a letter from the King of France, I beg leave to enter here, for the third time, the strongest proof of which a fact of that nature can admit, the declaration towhich I have before alluded of the Ministers themselves in the following extracts of their letters to me. With respect to the French connections with Hyder Ali, those I admit, and shall hereafter explain as well as the inconsistency imputed to what I alleged on this subject in the Minutes delivered by me on the 11th June —:

Extract of letters from the Poona Darbar to the Governor-General.

"Monsieur Le Chevalier de St. Lubin on the part of the King of France lately arrived on boardship on this coast and landed at Ris Dunda belonging to the Government, from whence he transmitted a letter to Seremunt Rao Sahib Row Pundit Purdhan, containing a request of audience to treat with him, which, if granted, they would wait on him and fully explain to him the subjects of their mission, as friendship has subsisted from time immemorial between the French nation and the illustrious family of Seremunt Sahib, and, moreover, in compliance with the duties of hospitality, an order for their approach was sent from the presence; when the aforesaid gentleman arrives the subjects of their negotiation will be explained.

"I some time ago wrote you information of the approach of a person deputed by the King of France to this quarter. Monsieur Chevalier de St. Lubin has lately been honoured with an audience of the Pundit Purdhan Peishwa Sahib of strengthening and confirming the ancient friendship which subsisted between the two nations, and he also spoke on the subject of their ancient intimacy and connection.

"As the rainy season has set in violently, Monsieur Le Chevalier has been delayed on this account. The duties of hospitality both to friends and strangers are incumbent on Chiefs of high rank."

Govt. of India Central Printing Office.—No. 530 F. D.—5-4-89.—500.

Proceedings of the Secret Select Committee from 7th July to 31st August 1778.

Fort William, the 7th July 1778.

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Richard Barwell, Esq.

Philip Francis, Esq.

Edward Wheler, Esq.

Read and approved the Consultation of yesterday.

The Board think it proper, before they proceed any further in the consideration of this business, to annul the letter to Colonel Leslie prepared yesterday and now laid before them for signature, and to direct him, on the grounds of the information now received, to proceed with the detachment under his command to Berar, a country on his road to Bombay, which is at the same time contiguous to Bengal and convenient for the return of the troops, if it should appear expedient to recall them for the defence of these provinces. The following letters are therefore written to Colonel Leslie and ordered to be despatched to him this evening by express Patamars:—

To Colonel Leslie—

Sir,—We have received intelligence by the way of Suez, that war was declared by the Court of France against England on the 30th of March last; we think it necessary, therefore, to give you peremptory orders to proceed with the detachment under your command by easy marches on the road to Berar, but not to pass beyond that province until you shall receive further instructions from us, notwithstanding any orders to the contrary which may be sent to you from the President and Council of Bombay.

We are, &c.,

Fort William, }
The 7th July 1778. }

Secret Dept. Fort William, the 9th July 1778.

Thursday

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Richard Barwell, Esq.

Philip Francis, Esq.

Edward Wheler, Esq.

Read the Proceedings of the 7th instant.

The Governor-General having sent the following note to the Secretary on the evening of the 7th, it was immediately sent round to the other members of the Board and the meeting of the Council postponed accordingly till this morning:—

Fourthly.—That the Master Attendant be directed to consult some of the most able seamen of this fort upon the means of forming such an addition to our Marine Establishment as may be most effectual for the communication of immediate intelligence of the approach of an enemy's fleet or single ship of war, and for cutting away the buoys, and using such precautions

**Secondly.*—That Raja Cheyt Singh be required in form to contribute his share of the burthen of the present war by consenting to the establishment of three regular battalions of sepoys to be raised and maintained at his expense.

as may be necessary for guarding this port and its commerce against the effects of a surprise.

Fifthly.—That the opinion of the Chief Engineer be also taken with respect to the other means which may be necessary to prevent or impede the progress of an enemy by the entrance of the river.

Sixthly.—That the Commander-in-Chief be requested to furnish the Board with such a general plan of defence as he shall judge necessary in addition to the present disposition of our army, and on the supposition that the detachment now employed under Colonel Leslie may not return for a length of time into the provinces, and to attend the Board with it when prepared.

Seventhly.—The proposition with which I shall now conclude, I offer with much diffidence and hesitation, it has been the constant subject of my thoughts, since our last meeting, and, though I now incline to recommend it, I see the objections to it in so strong a light as, added perhaps to those which may be suggested by other members of the Board, may induce me to change it, but I will briefly state it. The war having been notified to us, though not by authority, yet confirmed by evidence of such strength as to amount to a degree of certainty next to absolute, shall we proceed upon it as upon the grounds of a war declared, and notified in all its forms too, or shall we wait the confirmation of it, which it is probable we may not receive for this month, or six weeks yet to come? The consequence of our determination on this question, if in the affirmative, will be instantly to detach a military force to guard the approaches of Chandernagore, to demand the surrender of that town, and to appoint Commissaries to take possession of the public stores, shipping, and private effects of the inhabitants. This combined question I propose for the determination of the Board.

The first question being considered is—

Agreed to. Ordered that the Secretary to the Military Department do prepare and lay before the Board an estimate of the expense of the above augmentation, and of that which will arise from the increase of men to the present establishment lately ordered in the Military Department.

The second question considered—

Mr. Francis.—On the supposition that the detachment now employed under Colonel Leslie will not return for a length of time into the Provinces, I acquiesce in the proposal relative to Raja Cheyt Singh, but I think he should be informed, that this additional charge will not be imposed upon him beyond the continuance of the present war.

The Governor-General.—The qualification proposed by Mr. Francis is consonant to my intention in the question, and is implied in it. I should have no objection to its being expressed in an additional clause, that our resolution upon this subject may be unanimous. I agreed to add to the question the following words :—"and to be disbanded at the end of the war;" but perceiving that the difference in our opinions upon this subject arises not from a disagreement respecting the requisition simply considered by itself, but from a different understanding of the right of the Company to exact, under any pressure of affairs, more than the sum stipulated by the sunnud granted to Cheyt Singh and the kubbooliat given by him in return; I must therefore adhere to the question as it stands, wishing to avoid the question of right. If however we cannot agree upon this point, still, I would wish to have the requisition made in the words of the question, and leave the decision of future right to our superiors.

Mr. Wheler.—Wishing to avoid the question of right, I acquiesce in the motion, but I think it should be qualified in the manner proposed by Mr. Francis.

Mr. Barwell.—An acquisition of revenue and military force I suppose to have been annexed to the grant of the zemindary of Benares and Gauzipore to the Company. Any military establishment independent of the English administration in the heart of the Company's dominions may in the time of danger be turned against those interests which under another policy it would protect. I have long regarded the military establishment of Benares under

the Raja's native officers, and not subject to the discipline, command and regulation of our own battalions, as a defect, I therefore most heartily agree to the present proposal for three disciplined battalions to be kept up, and paid by the Raja, and sincerely hope the Company will direct that the whole force of Benares and Gauzipore under the zemindar be placed upon the same footing as the regular military force of the Presidency.

The Governor-General.—I agree to the question in the original terms of it, deeming it a right inherent in every Government to impose such assessments as it judges expedient for the common service and protection of all its subjects; and we are not precluded from it by any agreement subsisting between the Raja and this Government.

— —

Resolved, that the Raja Cheyt Singh be required in form to contribute his share of the burthen of the present war by the establishment of three regular battalions of sepoys to be raised and maintained at his expense and the Governor-General is requested to write to him to that effect.

The Board agree to the third question.

To the fourth agreed.

Agreed to the fifth.

Orders are accordingly issued by the Secretary.

— —

Secret Dept. Fort William, the 11th July 1778.

Saturday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

Read and approved the Proceedings of the 9th instant.

The Governor-General having sent the following note to the Secretary last night, it was immediately circulated to the other members of the Board with the letter referred to from Colonel Dow —

SIR,—I desire that you will summon a meeting of the Board in the Secret Department to-morrow morning at the usual hour, and in the meantime you will circulate the accompanying letter for the inspection of the gentlemen of the Council.

I am, &c.

FRIDAY EVENING, *The 10th July 1778.* WARREN HASTINGS.

— —

FROM COLONEL DOW—

HON'BLE SIR,—This morning at daybreak I invested the settlement of Chandernagore in the most secret manner possible, having crossed the troops at two different places above and below the town. As I could procure no intelligence of Mr. Chevalier last night, I took immediate possession of the garden house at Garetty with a company of sepoys. On my first demand I was informed he was in bed, and that he would wait on me immediately. Three different messages were sent in writing to which the same kind of answers were received. When I forced my way towards the inner apartment, Mrs. Chevalier appeared and requested as her children were sick that I would have further patience and that Mr. Chevalier, who was dressing, would come out. Finding, however, that delay seemed to be intended for some particular purpose, I became more peremptory and was going to search the bedchamber, when a

Monsieur Hanquart appeared in a *Star*, and assured me that Monsieur Chevalier was not in the house nor in Chandernagore, but that he was Commandant of the garrison, and demanded why I came in that hostile manner, which I explained. As it was impossible from the number of guards which I placed round the house at daylight that Monsieur Chevalier could have escaped from that time, I suspect that he has received previous intelligence, and has set out down the river in the night; but this is only surmise. I thought it, however, necessary to give you the earliest intelligence of his escape that you may use the necessary means for apprehending him.

Monsieur Hanquart after much altercation has consented to deliver up the place on the terms you proposed, which I stated to him; and I am now going with him from Garetty to put the troops in possession. I have left a company of sepoys and an officer here, and shall order the house to be diligently searched, though I have little reason to hope that Monsieur Chevalier is concealed in it. Six or seven other gentlemen are here.

I have the honour to be, &c.,

GARETTY, 9 O'clock. } ALEX. DOW, *Lieutenant-Colonel.*

P.S.—I have this moment received your address to the Dutch and Danish Chiefs and shall transmit them as directed.

The horcarrahs that I placed around the garden house all night can give no information regarding Mr. Chevalier.

Resolved, that the following letters be written in cypher, and despatched immediately to Fort St. George, and Bombay:—

GENTLEMEN,—Since we wrote to you on the 8th instant, we have sent a force to Chandernagore and taken possession of that place and of all the French factories in Bengal; but we are sorry to inform you that Monsieur Chevalier has escaped the search of our officers; we think it probable he may attempt to repair to Pondicherry.

In our last letter we desired that you would "march a proper force directly towards Pondicherry, and hold it in readiness to attack that place the instant the news of the war should be confirmed; we considered this advice as equivalent to recommending a direct attack upon the place, concluding you must of course receive a confirmation by authority before any operations could be commenced if no previous steps had been taken by you for that effect, which we hope was not the case. As the authentic notification may be intercepted, we now recommend that you regard the war as certain if the advices have not been contradicted, and proceed to instant hostilities, making the capture of Pondicherry your first object, and of Mahe your second, as from many considerations we now regard this place of great importance in the event of connections between the French and the Marattas or Hyder Ally.

We enclose a copy of a letter we have written to Bombay and a letter for Commodore Sir Edward Vernon, which we request, that you will seal up and send to him with such information as you think proper of your and our proceedings.

We are, &c.

FORT WILLIAM, The 11th July 1778. }

P.S.—We enclose a letter for the Presidency of Fort Marlborough to advise them of the late intelligence, and request that you will forward it.

To Fort Marlborough.

Gentlemen,—*We* have received your letters of the 31st May and 3rd June, and the *Morning Star* has brought us your advices under date the 12th June.

Regarding the intelligence of a war between France and England as certain, we have taken possession of the French establishments in Bengal and admitted the subjects of that nation to remain in possession of their houses upon parole; we have also earnestly recommended it to the President and Council at Fort St. George to proceed immediately against their Settlements at Pondicherry and Mahe. In taking possession of the latter, we need not urge you to co-operate with them as far as you can consistently with your own safety, which at this time must be especially attended to.

The weak state of your military establishment in comparison with the force which we imagine may be fitted out by France against the western side of India makes it necessary for us to recommend to your consideration the expediency of evacuating the Fort of Tanah; and demolishing that and any other fortresses on the Island of Salcette, that you may be the better able to collect your forces at the Presidency, as we think that the possession of Salcette will always be insured to you while you remain at Bombay even with your present strength, provided there is no lodgment there for an enemy.

We enclose for your information a copy of a letter which we have written on this occasion to the President and Council at Fort St. George.

We are, &c.

Fort William,
The 11th July 1778.

Resolved also, that the following letters be written to Sir Edward Vernon and to Fort Marlborough.

To Sir Edward Vernon—

Sir,—We understand that you are already apprized by the President and Council of Bombay of the declaration of war between Great Britain and France.

We have thought it necessary in consequence of this event to adopt immediate measures for the particulars of which, we beg leave to refer you to the President and Council at Fort St. George, as we have no cypher in which we could communicate them to you, and we think it would be imprudent to write to you more at large on this subject by the post. We request, however, that you will co-operate with the Company's Presidencies in any steps that it may be expedient to pursue, and we have no doubt of your ready compliance.

We have the honour to be, &c.

Fort William,
The 11th July 1778.

To Fort Marlborough.

Gentlemen,—We have received advices from Suez, of which we enclose a copy for your information, acquainting us that war was declared by the Court of Great Britain against France on the 18th March, and by that of France against England on the 30th of the same month.

Deeming this intelligence as certain, we have thought it incumbent on us to act upon it accordingly; we have therefore taken possession of the French Settlements in Bengal, and adopted such other measures, as we judged immediately necessary, for the safety and defence of the Company's interests immediately committed to our charge.

We are, &c.

Fort William,
The 11th July 1778.

Resolved, that the following notification of the war be issued to all the British subjects in the town of Calcutta, and to the army in general orders :—

FORT WILLIAM, *the 11th July 1778.*

The Hon'ble the Governor-General and Council having received certain intelligence that war was declared by the Court of Great Britain against France on the 18th March 1778 in London, and by the Court of France against England on the 30th of the same month at Paris, the Hon'ble the Governor-General and Council do therefore notify the same to all the subjects of His Majesty under their protection.

By order of the Hon'ble the
Governor-General and Council,
J. P. AURIOL, *Secretary.*

Received the following letter from LIEUTENANT-COLONEL DOW.—

FROM LIEUT.-COL. DOW.

HON'BLE SIR AND SIRS,—In obedience to your commands I took possession of the French Factory of Chandernagore this morning at 10 o'clock. As I found various pretensions of delay were made, not admissible by the tenor of my orders, I was under the necessity of ordering the Company's troops to advance within the barrier where a guard of sepoys was posted under the command of a French officer.

On this occasion the enemy's guards of the barrier having fired by order of their officer, without effect, a platoon was returned which killed four sepoys and wounded three or four more. This accident was unavoidable. The guard dispersed and the troops entered the town of Chandernagore, where everything was afterwards conducted with the greatest regularity.

From that time I have been employed in placing guards over the shipping, store-houses, and such streets as opened to the country, to prevent goods from being transported, or prisoners from making their escape, until they could be collected.

Such of the gentlemen as were in the employ of Government, and for whose quality the Commandant pledged himself, were admitted to the full privilege of parole, a copy of which agreement with their names subscribed I now enclose to you.

Such other inhabitants and merchants for whom the Commandant would not answer, agreeable to the etiquette of this nation have been ordered to continue quietly in their houses until your orders respecting them are received; I also enclose a list of their names. They do not seem of the lower class; but some of them respectable people in appearance. They are abridged of post liberty.

I understand Monsieur Chevalier was at Garetty last night but left it after supper; I have not as yet been able to trace him.

To-morrow I shall direct Mr. Collins to take an inventory of stores, &c., &c., which he will transmit to you. The place is so open on all sides that I am afraid even with two battalions, which are almost all dispersed in guards, it will be impossible to prevent goods from being conveyed to the other settlements that are so contiguous. I shall, however, be as vigilant as possible; there are three vessels here, but I have not been able to enquire into the nature of their cargoes, or whose property they are; guards are placed in them. I shall wait your further directions, being with the greatest respect, &c.,

CHANDERNAGORE, *The 10th July 1778, 4 p.m.* — ALEX. DOW.

P.S.—I have transmitted your letter to the Chiefs of the Dutch and Danish factories.

Be it known that the Settlement of Chandernagore being surrendered to Lieutenant-Colonel Dow in behalf of the Hon'ble East India Company and the British nation, we, whose names are hereunto subscribed, were taken prisoners of war as subjects of France in consequence of a mutual declaration of war between the two nations.

That agreeable to custom and usage of war in like cases, Lieutenant-Colonel Dow being so empowered has granted us of his free will the usual privileges of liberty, on our parole of honour, not to act against the British nation, or India Company, in any hostile capacity, nor to convey intelligence during the course of the present war, or until we may be exchanged by regular cartel, or set at liberty by authority of His Britannic Majesty, or the said East India Company.

Should we be forced to act in any manner contrary to the true spirit and intent of the above engagement, we acknowledge ourselves justly liable to the punishments inflicted in like cases, &c., to incur the imputation of having violated our honour.

Provided at the same time that the war should not have been declared before this date, we not having yet received intelligence of a war from our Court, this engagement of course becomes null and void.

CHANDERNAGORE,
The 10th July 1778.

HOCQUART,
Colonel, d'Infanterie Commandant, Chandernagore.

LE CHEV. DE LA SAUSSAYE,
Commandant la Garrison.

DESCOREHE DE ST. CROIX,
Ordounateur.

MITARD,
Consciller.

FABUS DE BRITEL,
Conseiller, Procuereur de Roi et Zemindar.

FRANCIS NICOLAS.

RENAULT DE ST. GERMAIN.

BENNITON DU TOURON.

VERTIE,
Capitaine de Port.

NICOLAS DE CALSION,
Greffier-in-Chef.

AUSSAUT,
Adjoint Zemindar.

MALRY DE CORMORÉ,
Interprete Persan.

DE BEAUFORT,
Grandvoyer Architect.

TRIBELLARD DE LA RELANDIERE.

CHILLET.

LE SEIGNEUR MACRAFFRY.

DE STROPHER SR. DE M. HOCQUART.

NICOLAS DE LA MERLIERE,
Tresorier de la Marine.

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Be it known that we, whose names are hereunto subscribed, inhabitants of Chandernagore, do hereby engage to remain quietly within the bounds of Chandernagore until the pleasure of the Governor-General and Supreme Council of the Presidency of Bengal be known respecting us.

CHANDERNAGORE, *The 10th July 1778.*

AUDUBERT CHANBON.
DEVISENNE.
J. LA CAT.
L. LA CHENCY.
LUCAS.
ANIAN.
MERGUET.
PETIER DEL' HORME.
DUBOISS.
L. FELON.
L. SOLMINIHAC.
DE SMARCHAIS.
FOUQUET DE CHAMPRIEGHY.
DE LA BUTTE.
FOUILLEUL.
J. VIGEIRO.
KERVALLUET VHAS.
LE CHER. DE BRAU.
MAGNAREE.
E. VIULAR.
LE HIMAS.
J. AIREAU.
LE CONTE DEMARITZ.

The Board, approving the conduct of LIEUTENANT-COLONEL DOW, agreed that the following letter be written to him :—

To LIEUT.-COL. DOW.

SIR,—We have received your letter of the 10th, and the Governor-General has laid before us your address to him of the same date.

We are much pleased with the alacrity exerted by you in the execution of your orders, and with the prudent and regular conduct which you have observed on this occasion.

We are, &c.

COUNCIL CHAMBER, *The 11th July 1778.*

Received the following letter from MONSIEUR HOCQUART, late Commandant of Chandernagore :—

FROM MONSIEUR HOCQUART.

GENTLEMEN,—I was in the greatest surprise this morning when Lieutenant-Colonel Dow, at the head of a considerable body of troops, presented himself at Garetty to occupy all the avenues to it; and signified to me by his letter, of

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which the annexed is a copy, that he required, in the name of the Governor-General and Council of Calcutta for His Britannic Majesty, the immediate surrender of our colony, all the arms, stores and ships, with all the public and private property; having sufficient force he says under his command in case of refusal to compel us to it by force. Mr. Chevalier being absent, and by consequence J. Hocquart commanding in his absence by an order of His Most Christian Majesty, dated the 8th December 1776, have received the letter from Lieutenant-Colonel Dow to which I made the annexed answer, and surrendered myself into his hands, protesting in case it should be necessary, if in all events the war is not declared, and leaving myself at liberty to apprize the Court of France of it, and to treat with you, Mr. Hastings and the Council of Calcutta for the different conditions and the treatment to be observed towards the inhabitants of Chandernagore. Not having any force in arms or troops and being entirely ignorant of the declaration of war between France and England, I have then surrendered into the hands of Lieutenant-Colonel Dow the Settlement of Chandernagore previously providing for the annexed conditions as well in regard to those employed for the King as the inhabitants and merchants of this colony. Having then reserved to myself, Sir, to treat with you and the Council of Calcutta for the different conditions and treatment to be observed towards the inhabitants of Chandernagore I demand—

1st.—That the Serjeant and the seven European soldiers of our garrison as likewise the sepoys, which were granted us by Colonel Clive, may quit the place with the honours of war drum beating, to retire wheresoever they shall think proper into the colony at their option.

2nd.—The freedom of the internal trade of the colony as well as that of the inhabitants and merchants of the said colony to be preserved to it in the form and tenor in which it is written and subscribed to by Colonel Dow under date this morning.

3rd.—That no insult be offered to the church and to the priests dependent on it.

4th.—That the King's magazines situated in the centre of the ghaut, which contain different merchandise belonging to divers private people, be exempt from all kind of insult and plunder.

5th.—That safeguards be given in the King's house at Garetty, in the house occupied by me the Commander in the absence of Mr. Chevalier, in that of Mr. Lafaussaye, Captain, Commandant of sepoys, and in that of Mr. Descorcher de St. Croix, Commissary of the King's Marine.

6th.—I require that a subsistence be given to those employed for the King, and to the inhabitant soldiers, sepoys and guards of the police according to the places they hold.

7th.—That none of the houses of private people nor the effects which they contain be invested nor pillaged, and, in short, that no damage or injury be done to the fortune or property of individuals.

8th.—That passages be allowed to the different persons employed for the King, or to the other inhabitants of the colony with every requisite accommodation to convey them at their option either to Pondicherry, to the Isles of France, or to France, in virtue of the parole which they have given not to bear arms in the service of His Christian Majesty during the course of the war which, according to the letter of Colonel Dow, exists between France and England.

9th.—That no injury or damage be done to the inhabitants and Indian traders of this colony.

10th.—That the hulk belonging to the King, also the ships of different individuals, be preserved; the first as it is useful to the public for the purpose of repairing and careening ships; and the ships, because they are a part of the fortune of the merchants; moreover, that the boats which are in the river and the bazars be returned to the colony.

I shall expect, gentlemen, with the greatest impatience your decision on the fate of the inhabitants and merchants of this colony, and shall conform

myself, till the moment I receive your answer, to the usages prescribed by the law of war. I hope, gentlemen, that I, as well as all the inhabitants of this colony, shall be well treated, and desire to be acquainted with the reasons for the violence and force which you have used towards the French nation, in whose name I speak to you.

Furthermore, I prefer a complaint to you, gentlemen; it is astonishing, and against all the rights of nations and the laws of war, that your sepoys have plundered the shops and bazars and your officers have not put a stop to it. I hope then, gentlemen, that no such disorders may be committed in future and that you will use precaution against them.

I have the honour to be, &c.,

HOCQUART.

CHANDERNAGORE,
The 10th July 1778.

Copy of a letter from LIEUTENANT-COLONEL DOW, to MR. HOCQUART, Commandant of Chandernagore.

SIR,—I am ordered by the Hon'ble the Governor-General and Council of the Presidency of Calcutta to demand of Mr. Chevalier, the Governor of Chandernagore, the immediate surrender of this Settlement, and all arms, stores, ships, together with all public and private property therein contained, having a sufficient force under my command in case of refusal to inforce compliance to these demands, which are made by me in their name, and in consequence of open war declared between Great Britain and France. As Mr. Chevalier is absent and the Government of the Settlement is vested in you, I must demand immediate compliance with the above direction.

I have the honour to be, &c.,

ALEX. DOW.

To LIEUTENANT-COLONEL DOW.

SIR,—In answer to the letter which you have done me the honour to write to me under this morning's date finding me Commandant at Chandernagore in the absence of Mr. Chevalier by order of the King, dated the 8th December 1776.

Having no force, either in arms or troops, and being entirely ignorant of the declaration of war which, according to your letter, exists between France and England, I consent to surrender the town of Chandernagore, protesting inasmuch as may be necessary, if in all events war is not declared, reserving to myself to apprize the Court of France of it, and to treat with Mr. Hastings and the Council of Calcutta for the different conditions and the treatment to be used towards the inhabitants of Chandernagore.

I have the honour to be, &c.,

HOCQUART,
Colonel, Infantry.

GARETTY,
The 10th July 1778, at 10 o'clock in the morning.

Agreed that the following letter be written to MONSIEUR HOCQUART:—

To MONSIEUR HOCQUART—

SIR,—We have received your letter of the 10th instant with the several papers enclosed in it.

The instructions which we have given to Lieutenant-Colonel Dow being grounded on certain information that a war was declared by the Court of Great Britain against France on the 18th of last March and by that of France

against England on the 30th of the same month, we cannot depart from them. We beg leave, however, to acquaint you that it forms a part of our orders to Colonel Dow to treat the inhabitants of Chandernagore with all possible lenity and tenderness. We have no doubt he will attend to this injunction as far as may be consistent with their present situation and the usages of war in such cases.

We are, &c.

FORT WILLIAM,
The 11th July 1778.

The Governor-General informs the Board that he has ordered two of the pilot sloops, which are now at Calcutta, to proceed down the river; that he has sent a Lieutenant and thirty Europeans on board of each, with orders to search for French vessels and boats, to seize all they may be able to find, and to make particular enquiries after Mr. Law and Mr. Chevalier in order to apprehend them. As soon as they overtake the *Morning Star* they are to be under the directions of Captain Robinson.

Fort William, the 13th July 1778.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The Proceedings of the 11th instant read and approved.

The Governor-General lays before the Board the following letter from MONSIEUR HOCQUART, and requests that the answer which shall be written to it may be dictated by the Board:—

To—THE HON'BLE WARREN HASTINGS, Esq., *Governor-General at Calcutta.*

CANDERNAGORE, *the 12th July 1778.*

Monsieur Hocquart, to the Governor-General, the 12th July.

I receive your letter and lose not an instant in replying to it to express my surprise that the Supreme Council make no manner of answer to the ten articles in my letter of the 10th of July. I see but one word regarding the injunctions made by the said Council to Lieutenant-Colonel Dow to treat the inhabitants of Chandernagore with all possible mildness and attention. I do not think that requiring of the inhabitants the keys of their godowns and warehouses where he himself goes to take inventories (a commission beneath the rank he holds) is a mark of mildness and attention. I have not the honour of being known to you, Sir, but I should wish, as well from the place I occupy, as from a regard to my rank, and to what is due to the respective nations, to be able to agree with you upon the requisitions which I have reserved to myself to make to you.

To avoid a correspondence that may be detrimental to your important occupations, I hope then, Sir, you will not refuse me your consent to my waiting on you. I shall depart on the receipt of your answer, but allow me to insist on requiring an answer to the said articles in my letter for the public tranquility.

I have the honour, to be, &c.,

HOCQUART.

Resolved on the following reply to MONSIEUR HOCQUART, the Governor-General is therefore requested to sign it:—

To—COLONEL HOCQUART at Chandernagore.

To Monsieur Hocquart.

SIR,—I have been favoured with your letter of the 12th instant.

In the letter which I addressed you jointly with the other members of the Council on the 11th, we did not think it necessary to answer specifically to the different articles which you had proposed to our consideration, because the circumstances under which the town of Chandernagore was surrendered did not appear to be those of a capitulation. We shall, however, allow due attention to the subject of your letter, nor had many of the articles contained in it before escaped the observation of the Board, but their resolutions upon them, whatever they may be, must be the result of their own free choice and cannot be made the conditions of a compact.

With respect to the 6th requisition which you make I hope that you will soon be acquainted with our arrangements on this head, they are only delayed for the official reports which the Board expect to receive from Chandernagore.

I am very sorry that the pressure of affairs in which I am at this time engaged will not permit me to accept the honour of your proposed visit in Calcutta; and indeed this is the less necessary, for the occasion which you mention as the object of it, as all the measures that will be adopted in respect to the town and inhabitants of Chandernagore must depend on the voice of the collective body of this Government, and not on my single authority.

I have the honour to be, &c.

FORT WILLIAM,
The 13th July 1778.

Resolved that the following order be issued to LIEUTENANT-COLONEL DOW :—

To—LIEUTENANT-COLONEL DOW, Commanding at Chandernagore.

To Lieutenant-Colonel Dow.

SIR,—We desire that you will send us a complete return of the military which were entertained in the French service at Chandernagore and that you will immediately disband their sepoys and lascars.

We are, &c.

FORT WILLIAM,
The 13th July 1778.

Read the following letter from MR. COLLINGS :—

To—THE HON'BLE WARREN HASTINGS, Esq., *Governor-General, &c., Council.*

Mr Collings, the 12th July.

GENTLEMEN,—Colonel Dow having consigned over to me the goods and effects, contained in such store-houses as he has visited since his arrival belonging to the French at this place, I shall begin immediately to take an inventory of them agreeable to the orders of the Hon'ble Board, and as soon as the whole shall be completed will do myself the honour of transmitting a copy thereof to the Board.

In consequence of the permission the Hon'ble Board have been pleased to give me, I have taken Mr. George Shee with me, to assist me in this business which I hope will meet with your approbation.

I have the honour, &c.

L. COLLINGS.

CHANDERNAGORE,
The 12th July 1778.

The declaration of war notified to the Provincial Councils, &c., &c.

Agreed that the public notice of a declaration of war, which was issued in Calcutta in consequence of a resolution of the last Council, be circulated with the following letter to all the Provincial Councils and Collectors.

CIRCULAR.

Circular letter to the Provincial Councils and Collectors.

We enclose a publication which you will be pleased to notify to the British subjects within your jurisdiction.

In consequence of the war we have thought it necessary to take possession of the French Factories in these provinces, but Mr. Chevalier having made his escape from Chandernagore, and the securing his person being a point of material consequence, we direct that you immediately issue orders to all the proper officers of Government in your division to use their utmost endeavours to intercept him in his retreat, and send him in safe custody to you to be conveyed to the Presidency.

You will also give orders for seizing and securing any other foreigners not being the known dependants of the Danes or Dutch, and all vagrants of whatever nation, that is to say, persons not having a regular license for their residence in the country, who may be found within the limits of your authority, and transport them immediately to the Presidency under proper guards.

If Mr. Chevalier should fall into your hands, you will take care that he be treated with the respect and attention due to his rank; you will also observe the greatest humanity towards all other persons whom you may apprehend and send down to us in consequence of these orders.

We are, &c.

FORT WILLIAM,
The 13th July 1778.

Resolved, that the following publication be issued requiring all the Europeans, Armenians, Portuguese and other Christian inhabitants to assemble on the first Wednesday in August on the parade at the old fort to be enlisted as a body of militia in conformity to the resolution of the 9th instant.—

COUNCIL CHAMBER, *the 13th July 1778.*

The Hon'ble the Governor-General and Council having thought it necessary, for the additional security and defence of this Presidency on the present event of a war, to form and embody the inhabitants of the town of Calcutta into a corps of militia, do hereby require that all the European, Armenian, and Portuguese inhabitants who enjoy the protection of the British flag in this Settlement, do attend on the parade near the water side in the old fort on the first Wednesday in August at daybreak, to be there duly mustered and enrolled as aforesaid.

By order of the Governor-General and Council.

Read the following letter from BRIGADIER-GENERAL STIBBERT:—

To—THE HON'BLE WARREN HASTINGS, Esq., *Governor-General, &c., Supreme Council, Secret Department.*

HON'BLE SIR AND SIRS,—I was last night honoured with your letter of the 9th instant signifying to me your having received intelligence of a war being declared in Europe between France and England, and desiring I would form a plan of defence for these provinces in war to be laid before you, which I beg leave to inform you I shall do to the utmost of my abilities and with as much despatch as the necessary consideration of so important a business will admit. I have further to acquaint you that I shall give the necessary directions for forming the three additional battalions of sepoys, which you have come to the resolution to raise upon the plan I recommended to you some time since.

I cannot conclude this letter without expressing to you how much I feel myself hurt at hearing that, in consequence of the intelligence you have had of a war, several steps have been actually taken for commencing hostilities without my knowledge or participation, but particularly two battalions of sepoys detached from Barrackpore, under Lieutenant-Colonel Dow, to demand and take possession of the French Settlement of Chandernagore. Though I wish to believe that the Board did not mean this as any slight to me, yet I cannot help representing to you, gentlemen, that I think the station which I have the

honour to hold entitles me, when present, to expect a communication of all military operations which your Hon'ble Board may resolve upon previous to their being carried into execution. I flatter myself that upon considering this matter you will see it in the same light with myself and readily perceive the injury that my character and authority in the army must suffer by such an apparent want of the confidence of the Board, which, as I shall ever make it my study to merit, I hope will never be denied to me.

I have the honour to be, &c.,

G. STIBBERT.

FORT WILLIAM,
The 13th July 1778.

Resolved, that the following letter be written to BRIGADIER-GENERAL STIBBERT :—

To—GENERAL G STIBBERT, Commander-in-Chief.

SIR,—We have received your letter of the 11th instant.

As you seem to have been misinformed with respect to the nature of the orders issued to a detachment of sepoys to cross the river from Barrackpore to take possession of the town of Chandernagore, we think it proper to acquaint you that it was a measure which required secrecy and despatch; it was resolved upon, planned and ordered to be carried into execution in the same instant; to have applied for your advice in person upon the occasion would in effect have been to divulge our intention, and to have waited for it in writing must have caused delay, which might destroy the good effects expected from despatch; and though we considered the detachment of a party of sepoys a necessary form to be observed on this occasion, we did not expect any military service, which should render it an object of sufficient consequence to be imparted to you.

This explanation we have cheerfully given to remove the opinion which, you appear, to have causelessly entertained, that our omitting to acquaint you with this transaction, proceeded from a want of confidence, which we should be very sorry to shew you the least sign of; on the contrary we shall always be desirous of receiving the aid of your military knowledge in every instance which may render it of use to us.

We are, &c.

FORT WILLIAM,
The 13th July 1778.

Read the following letter from the Chief and Council of Fredericknagore :—

To—THE HON'BLE WARREN HASTINGS, Esq., *Governor-General and Supreme Council, Fort William.*

HON'BLE SIR AND SIRS,—We have this day had the honour to receive your esteemed favour of yesterday, wherein you have been pleased to signify to us that you have received authentic intelligence that war was declared by the Court of Great Britain against France the 18th of March last, and by the Court of France against Great Britain the 30th of the same month, and that you in consequence thereof have thought it incumbent on you to take possession of Chandernagore, and to attack all the French property which shall be found in these provinces.

We are much obliged to you for your early intimation thereof, and give you hereby our sincerest assurance, that whatever may be expected from the friendship subsisting between your nation and ours, shall on our side duly be attended to, and to the utmost of what the dictates of neutrality will admit of. Happy in finding that a good friendship subsists between our nations, it shall be one of our greatest ambitions, as much as it may be in our power, and as

far as a strict neutrality will make it warrantable, to promote your interests, and to cultivate said friendship and to be meritorious of yours.

We have the honour to be, &c.,

FREDERICKNAGORE, The 10th July 1778. } O. BIE. BITTEFETT.

Secret Dept. Fort William, the 14th July 1778.

Tuesday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The Proceedings of the 13th read and approved.

To—ALEXANDER DOW, Esq., Lieutenant-Colonel of Infantry Commandants, on the part of His Britannic Majesty at Chandernagore.

SIR,—The duty we owe to our correspondents in Europe, that which we owe to the public as depositories of its confidence, determine us in the step which we take the liberty to take in addressing you with an exposition of our situation. If the reasons which we shall lay before you merit any consideration, we flatter ourselves that you will give weight to them with the gentlemen of the Supreme Council of Calcutta.

Our existence in Bengal is founded on the right of nations, which the general conduct of Europe, makes us consider above the laws of war. It is notified in all declaration to seize respectively the effects of individuals. Nevertheless in the unhappy divisions which have constantly prevailed between England and France since the accession of William the Third to the Throne of England there have been no examples of Englishmen who were debtors to Frenchmen, or French debtors to Englishmen availing themselves of the like declarations. The English settled in France have peaceably exerted their industry in times of war, and the same indulgence has been granted to the French settled in England We think, Sir, this latter situation with some exceptions to be nearly that which we have in Bengal. We have no other circulations than the moneys which your Government coin; we know no laws but those which you impose on us. Our Government faithful to its treaties has only established an administration at Chandernagore to give some sanction to our existence and to judge our differences according to our civil laws. If we had not thought, Sir, that such was our existence in Bengal, and if our interests, blended with those of the English, had not strengthened us in this opinion, we should never have abandoned ourselves to your discretion, in exercising our industry in a country at 60 leagues distance from the sea, and surrounded on all sides by your troops in which, making a sacrifice of our properties, we have not even the hope of sheltering our liberty.

After the confidence we were in that we had a right to pretend to the immediate protection of England, nothing has equalled our astonishment like the general visit which you have ordered and executed yourself, the taking of the keys of our warehouses, and the double precaution of causing them to be guarded by sepoys. We not only flatter ourselves, Sir, that this precaution will be but a pure form, and that our effects will be restored to us in the condition in which they are now, but we even think that the seizure of the private merchants' ships now in the Ganges, or that may come in, not being informed of the declaration of war, will be restored to us, to put an end to them at public auction. This justice will be but an extension of the protection which we reclaim for our effects. You must be well acquainted with everything appertaining to history. We think, Sir, that we shall strengthen our pretensions ever founded on the law of nations in citing to you the conduct of

Governor of the Havannah, who in the height of war in 1746 treated with the utmost humanity an English ship of war, named the *Elizabeth*, commanded by Mr. Edward, whom pressing wants carried into the port of the Havannah; he not only permitted the Captain to repair, and to traffic, to provide himself with what was necessary for the continuation of the voyage, but he also gave him a passport as far as the Bermudas. The history which relates this fact makes no mention of the Governors having been blamed by his Court, and all Europe admired the like conduct. So much is the law of nations superior to that of war.

We have always thought, Sir, that individuals without defence had nothing to fear for their property; we found assurances of it in your own history. When the Duke of Marlborough made a descent at St. Casin Brittany, he published the 7th June 1758 a manifest whereof we shall cite to you the paragraph in your own language:—

"Be it known therefore to all who will remain in peaceable possession of their habitations and effects, that they may stay unmolested in their respective dwelling and follow their usual occupations, and that, excepting the customs and taxes which they pay to the King, nothing will be required of them either in money or merchandises but what is absolutely necessary for the subsistence of the army, and that for all the provisions they shall bring in they shall be paid ready money."

If the Duke of Marlborough thought, Sir, the like attentions due to individuals who might become hurtful to him from their condition and situations, what ought not eight or ten persons to expect at six thousand leagues from their country, who constituted the bulk of the merchants of Chandernagore, and whose industry makes live about sixty persons whereof the whole colony is composed?

If our situation was capable, Sir, of exciting any jealousy, or of offering any resources in effects, or in money, reasons of state might prevail over reasons of humanity. The little time which you have been at Chandernagore is more than sufficient to enable you to judge of it; and we believe we speak within bounds in assuring you that the seizure of our effects as well at Chandernagore as in the interior parts of the country, in supposing even that nothing escaped your vigilance, would not form a capital of 4 lacks, the loss of which would in part fall on your own individuals.

This, Sir, is what we had to lay before you. You have read and written too much upon the misfortune of war for us not to be persuaded that you will, if possible, render easy our lot. We shall believe you to obey superior orders if you deprive us of the resources which can subsist us and enable us to discharge our engagements. We shall pity you, but we shall submit with firmness to all that may be imposed on us, as those unfortunate people did, whose only crime was that they were born at Carthage.

We are, &c.,

CHANDERNAGORE, *The 13th July 1778.*

L. P. MONNERON FRESES.
LUCAS AND ARREAU BREAU.
IM DE LABAT.
DE VERRINE.
L. ROUSRE.
AUDBEST CHAMBOR.
J. DES MARCHAIS.
MUGUET,
one of the Attornies to T. B. fortier.
LE DUMOULUSS,
one of the Attornies to T. B. fortier.

(True translation),
A. GILBERT.
French Translator.

COPY.

To Mr. Monneron.

Sir,—I have attentively perused the representation of the principal merchants of Chandernagore which you delivered into my hand this morning, and should be happy to have it in my power to be any way instrumental in affording them every possible relief consistent with the practices of war, the law of nations and the sentiments of private humanity; at the same time as they justly remark I am here merely as an executive officer on the part of Government acting in obedience to positive and explicit instructions.

For this reason and our vicinity to Calcutta, the seat of the Supreme Council of this country, I do not think myself authorized to adopt any measures of my own in consequence of the memorial which I have received, or to enter into any discussion of the argument with which it is pregnant; but you, Sir, may assure the addressers on my part that I shall lose no time in forwarding it to the President and Council in the most favourable manner to their wishes.

I have the honour to be, &c.,

Chandernagore, *The 13th July 1778.*

ALEX. DOW, *Lieut.-Col.*,
Commanding at Chandernagore.

— —

Resolved in the terms of Mr. Barwell's minute, and further that the Board will hereafter consider whether any, and what, additional indulgences shall be allowed to the inhabitants at Chandernagore.

Agreed that the following letter be written to Lieutenant-Colonel Dow —

To—Lieutenant-Colonel Alex Dow, Commanding at Chandernagore.

To Lieutenant-Colonel Dow.

Sir,—We have received your letter of the 13th instant, and the Governor-General has communicated to us the letter which you wrote to him the same day.

With respect to the private property at Chandernagore and the conduct which you are to observe towards individuals there, we direct that the European inhabitants be treated with attention, and allowed all the indulgence that can in reason be shewn to them in the full and free possession of their houses, apparel, furniture, and all the necessary household utensils which they may have occasion for, but you will use your endeavours jointly with the commissary to prevent this indulgence from being abused. We think it proper, however, to except the native inhabitants from it, and therefore direct that all effects of whatsoever nature appertaining to them be seized for the public use; these orders we think will be sufficient for your guidance until we can form some general rule respecting the whole of the property in consequence of the inventory which we expect from Mr. Collings; we shall at the same time consider what further privileges may be allowed to the inhabitants, and furnish you with instructions accordingly.

Our orders as usual on granting the warrant for assembling a general Court Martial at Fort William, appointed the next officer in turn to preside at it. We did not then know that it would fall to your lot, we have since exempted you from this duty.

We are, &c.

Fort William, *The 14th July 1778.*

— — —

Received the following letter from the Direction and Council of Hooghly —

Hooghly, 11th July.

Gentlemen,—Yesterday afternoon we had the honour to receive your letter of the 9th instant, by which you advise us that war had been declared between the Crowns of Great

Britain and France and of the taking of Chandernagore. We find ourselves obliged to return you thanks for this intelligence, and to declare in consequence of your request that, although we have not yet received any orders from our superiors on this subject, we shall observe the strictest neutrality.

We are, &c.,
T. M. ROSS, &c.,
Council.

HOOGHLY,
The 11th July 1778.

Secret Dept. Fort William, the 18th July 1778.

Saturday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The Proceedings of the 14th instant read and approved.

The Governor-General.—As the time will not admit of any delay in raising the three battalions of sepoys which are to be maintained by Raja Cheyt Sing, I propose that the Commander-in-Chief be desired to give orders immediately for that purpose.

Agreed to, the following letter is therefore written to BRIGADIER-GENERAL STIBBERT:—

To BRIGADIER-GENERAL STIBBERT—

SIR,—We have already acquainted you with our resolution to cause three battalions of sepoys to be raised and maintained at the expense of Raja Cheyt Sing for the defence of the Company's possessions. As the present crisis will not admit of delay, we request that you will give the necessary orders for raising and forming these corps with all possible expedition.

We are, &c.

FORT WILLIAM,
The 18th July 1778.

Secret Dept. Fort William, the 20th July 1778.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The Proceedings of the 18th instant read and approved.

The Secretary lays before the Board the following postscript of a letter which he has received from MR. THOMSON:—

Postscript of a letter from Mr. Thomson, to the Secretary.

It is reported here the French have declared the Americans are a free people, and that has put a stop to the Court of London sending deputies to treat with the Americans, as was before intended. This wants confirmation.

What follows is authentic.

Fifteen sail of the line went out of Toulon Harbour with upwards of 5,000 troops on board transports, &c., the 13th instant, destination unknown, and at

the same time they unhung the rudders of two English merchantmen in Marseilles Harbour; they are still detained.

My packet is called for Marseilles, April the 18th, 1778.

The Governor-General.—The intelligence contained in Mr Thomson's letter to our Secretary, and expressed to be authentic, that fifteen sail of the line had actually sailed on the 13th of April from the Harbour of Toulon with 5,000 troops and attended by transports on an unknown destination, and the circumstances repeated in the newspapers of the command of this armament having been newly conferred on the Count Deslaing, afford a strong presumption that its destination was for India We have no information of the appointment of any British squadron for these seas. Although we must of course expect one, in the meantime considering the weak state of His Majesty's squadron now in India, consisting of the *Rippon*, *Seahorse*, *Country* and the *Cormorant* expected from Suez, a force not equal to that which the French possess already at Pondicherry, I submit to the Board the expediency of immediately fitting out two or more vessels from this port, to be ordered to join Sir Edward Vernon, and to act under his orders until he shall be strengthened by reinforcements from England, or shall judge their assistance no longer necessary for the public service, with a request that in such case they may be returned to us. The *Resolution* may be immediately fitted for this service with one or two Company's ships now in the river. If the Board so far approve this proposition, it will be necessary to enquire what number of guns each of the three vessels now in the river may be able to carry, and in what time they can sail from this port, which information the Secretary may be ordered to collect from the Captains of the respective vessels. Perhaps it may be necessary to give previous intimation to the Captains of these vessels, and shew them to their officers and men that an allowance to the officers and a bounty to the men will be granted during the period of this service.

— — —

Agreed to and ordered that the Secretary do require the above information from the Commanders of the *Grosvenor* and *Osterley*, that the Master Attendant be directed to fit out and prepare the *Resolution* for war and to grant all the aid that may be necessary for the preparations of the Europe ships.

In order to gain the earliest notice of the approach of an enemy and to prevent the pilots from being surprized in Ballasore roads we are of opinion that the *Eagle* and *Morning Star* should be stationed until the 10th of September, the one off Jaggernot Pagoda, the other off the False Point, to cruize from 16 to 40 fathoms of water, and a pilot vessel to lie just within the Point of Palmiras to alarm the pilot vessels in the road on receiving it from those without her.

From the 10th of September and during the N. E. monsoon, the *Eagle* and *Morning Star* should be stationed from the Point of Palmiras as far to the eastward as the Swatch, each of them ranging half the distance just without the Sandheads. And the pilot vessel that before lay under the point should in this monsoon lie at the foot of the western brace to alarm the pilots in the road as before mentioned. The signals that those vessels are furnished with should be communicated to all the other Presidencies.

Exclusive of those vessels there should be one stationed at the buoy of the Fairway, with orders on an alarm being given from the roads to sink that buoy, and proceed in with all possible despatch, destroying or removing all the buoys as she comes to them.

For guarding the port of Calcutta and protecting its commerce against the effects of surprise, we think the following ships formed into a squadron necessary:—

Hon'ble Company's Ships

The *Resolution* capable of mounting .	Twenty 18-pounders. Twenty-two 9-pounders.
Britannia	Twenty-two 24-pounders. Twenty-four 12-pounders.

* *Charlotta*	Twenty 18-pounders. Twenty-two 9-pounders.
Nancy	Twenty 18-pounders. Twenty 6-pounders.
* *Britannia Snow*	Sixteen 12-pounders. Fourteen 6-pounders.
* *Admiral Pocock*	Eighteen 9-pounders. Six 4-pounders.
* *Royal Admiral*	Sixteen 6-pounders.

These vessels forming a squadron and properly stationed will answer the purpose of defending the port and its commerce against any of the enemy's detached squadrons.

We are also of opinion that two or three vessels fitted out for fire-ships and kept in readiness might be of great use; and also the chains at Budge Budge to be kept in readiness to lay across the river at an hour's warning. Besides the other ships, if the ship *Warren* is in good condition as to strength for heavy mettle, she might be added to the number; she will mount on two decks about fifty guns.

Secret Dept. Fort William, the 17th August 1778.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The Proceedings of the 10th instant read and approved.

The Governor-General's minute on Raja Cheyt Singh's acquiescence to defray the expense of three battalions of sepoys

The Governor-General lays before the Board the following letter from Raja Cheyt Sing and informs the Board that, having called upon Ally Nucky, the Raja's Vakeel, for an explanation of his master's further sentiments upon the subject of it, he received the following answer from the Vakeel, being the substance of a long conversation, *viz.*, that his master was all times ready to pay obedince to the commands of the Board and to afford every proof of his attachment of the Company and that the Raja had authorized him to declare his acquiescence in the requisition of a subsidy equal to the expense of three battalions of sepoys for the service of the war:—

The Vakeel contended much for fixing the sum of the subsidy at 3 lacks of rupees. The Governor told him it could not be less than five and received his consent in his master's name, and in virtue of the authority which he derived from the Raja to the payment of that sum for one year, his authority extending no further

The Governor-General is of opinion that as the Raja's consent has been expressed with such a limitation, and eluded in his written answers, the payment of the subsidy ought not to be left subject to the contingences which the course of a year may produce, but immediately demanded. He computes that the amount of three battalions of sepoys on double batta, exclusive of tents, arms, and contingent charges, will amount to 4 lacks seventy-six thousand rupees (4,76,000).

On these grounds he moves, that the subsidy to be paid by Raja Cheyt Sing for the maintenance of three battalions of sepoys during the course of

* NOTE.—Those marked thus (*) are now in the port and may be had for the service. Those not marked are ships daily expected.

the war be fixed at the annual sum of 5 lacks of Muchlidar rupees; and that he be immediately required to pay that sum into the hands of the Resident Mr. Thomas Graham.

WARREN HASTINGS.

Mr. Francis.—I acquiesce, though in my own opinion it would answer as well to us, and be less distressing to the Raja, if the subsidy were added in equal proportion to the monthly kists of the tribute.

PHILIP FRANCIS.

I agree.

RICHARD BARWELL.

EDWARD WHELER.

From Maharaja Cheyt Sing, received 30th July.

I have been honoured by the receipt of your gracious letter, communicating the intelligence of a war having broke out between the Courts of Great Britain and France, and desiring me to take on myself a share of the burden of expense. My patron, I am the servant of the Sarcar, I will write you more fully hereafter. On all occasions I am hopeful of Your Highness's favour and support.

Resolved that the following letter be written to Mr. Graham, and that notice of the Board's resolution be given to the Persian Translator that a letter be accordingly prepared to be sent to Raja Cheyt Sing:—

To Mr. Graham—

Sir,—Thinking it necessary that Raja Cheyt Sing should be required to contribute his share to support the burthen of the present war with France, we resolved that three battalions of sepoys should be raised and maintained at his expense, and the Raja, in answer to a letter which the Governor-General wrote to him on the occasion, having by means of his Vakeel agreed to pay a subsidy of 5 lacks of Muchlidar rupees for one year, but not authorized his Vakeel to extend his acquiescence further, we deem it necessary, and have accordingly ordered, that the Raja shall immediately pay this sum into your hands, you will therefore receive the same from him and remit the amount of it to the Presidency.

We are, &c.

Fort William,
The 17th August 1778.

Translation of the paper delivered by Nannah Furneese, to Mons. de St. Lubein at taking leave.

When the disturbance raised by Morajee is over, which will be ended shortly and without difficulty, I will call your troops from Europe and join them with the Peshwa's army, when by your assistance the business will be properly concluded, for which a jaghire shall be granted you from the Sarcar of the said Peshwa. But now we must set about consulting; the business will come into hand very soon; we shall punish a nation, who have raised up an insolent head, and whose measure of injustice is now full. Some other just men, too, who have given protection to the enemy, shall have their crime with its

punishment laid before them. The 15th Rabehsanny in the 19th year of the reign or the 13th May 1778.

(True translate.)

EDWD. RAVENSCROFT.

Secretary.

Secret Dept. Fort William, the 24th August 1778.

Monday. AT A COUNCIL, PRESENT :

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ., *indisposed.*

Read and approved the Proceedings of the 17th instant.

Mr. Barwell retires.

Governor-General.—As the Board have received all the material assistance from the advice of the Commander-in-Chief which could be required of him in the present situation of our affairs, I move that he be desired to proceed to Cawnpore to take the immediate command of the army stationed at that quarter, with instructions to visit the temporary brigade and to report to us his opinion respecting the further arrangements which may be necessary for the defence of the dominions of our ally, the Nabob of Oude.

Mr. Francis.—It is my opinion that at this juncture the presence of the Commander-in-Chief is indispensably necessary at the Presidency, and that his removal to so great a distance is unsafe.

Governor-General.—It is and has been my invariable opinion that we are liable to no danger from the French in Bengal, but in the event of an alliance formed with the Marattas. Although I have proposed in the distribution of our forces such a portion of them to be stationed at or near the Presidency as shall be equal to a supposed invasion of the provinces by sea, yet as I am clearly convinced that our only danger lies in another quarter, I have therefore proposed that the Commander-in-Chief be required to repair where his presence will be most essentially necessary. I wish the opinions of the other members to be taken upon the subject.

Mr. Francis.—I heartily wish it may appear by the event that the Governor's opinion of the designs of France is well founded. Admitting it to be so, I still think it does not affect the present question. On the same principles on which we prepare for the defence of Bengal against a possible invasion by sea, I should think we ought to avail ourselves of the services of the Commander-in-Chief, for the conduct of that defence. It is not only the most interesting object to us, but, if it be necessary at all, it must also be the most pressing. If it be the design of France not to invade Bengal, but in consequence of alliances and preparations made on the other side of India, we have nothing to apprehend from the effect of such operations but at a very distant time. They must land upon the Malabar Coast. They must take Bombay, and they must then proceed to Bengal either across India or by sea. A twelve month, I suppose, is the least possible time, in which such a series of measures can be carried into execution ; whereas if they mean to attack Bengal directly, they must come here in a few months. From this reasoning I conclude that the Commander-in-Chief's services cannot be so necessary at present in any station as at the Presidency.

The Governor-General.—We have made a provision for the defence of the dominions of the Nabob of Oude, our ally, equal to that which we have made for Bengal, but there are no officers of authority, though of merit, to

direct the execution of them. It is not from the French themselves that I expect any present danger either in that quarter or in this, but from the neighbouring powers whom our inattention may invite to disturb the peace of those provinces; of this many symptoms appear in the letters from Lieutenant-Colonel Wilding, and from other papers of intelligence which may be the fruit of mere conjecture, but still we ought not to be lulled with security by a persuasion that no attempts will be made against us. It is my belief that if the Commander-in-Chief does not speedily repair thither, troubles will break out and most probably from that quarter we have supposed to be in alliance with the French. To these reasons I shall add, that our forces in the two remote stations are the least perfect in their discipline of any on the establishment, some scarcely formed, and the whole disunited. To form, to arrange, and distribute them will require the presence of the Commander-in-Chief.

Exd.—S J. D'S.

659 Government of India Central Printing Office—No. 580 F. D.—16-2-89—500.

Proceedings of the Secret Select Committee, from 2nd September to 28th December 1778.

Secret Dept.,
Monday.

Fort William, the 30th November 1778.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

The proceedings of the 16th instant read and approved.

Received the following letters from MR. LEWIS, Assistant to the Resident at Poona:—

My last respects were dated the 27th ultimo.

Having received information that the Darbar had received several letters from Pondicherry, I employed a person to procure me copies of them which he accordingly effected, but they being written in Persian, and I having no person here who can translate them, I am under the necessity of forwarding the Persian copies to you.

Hurry Pundit having by partial payments in some shape satisfied the principal officers of his late Army, the Darbar, I hear, have determined on sending him again to oppose Hyder in the Carnatic.

I am, &c.,

W. LEWIS.

From the Chief of Pondicherry to the Peshwa.

Your gracious letter expressive of friendship, together with letters from Nana Farnavis and Hurry Pundit on the subject of the quarrel with the English, and of aid and assistance of money, troops, &c., honored me by its arrival, and afforded me inexpressible pleasure. Accordingly, agreeable to your orders, I am prepared to exert myself in the manner you point out and to fulfill your pleasure.

You will be fully informed of every particular from my letters to Nana Farnavis and Hurry Pundit.

From the Chief of Pondicherry to Nana Farnavis.

Your friendly letter on the subject of a war with the English nation and assistance of money and troops to be afforded by Seremunt Sahib, and the establishment of a factory at Poona after the business of the English is brought to a conclusion, arrived together with a letter from Seremunt Sahib in a happy hour, and greatly honored me.

Agreeably to what you write, in which you propose terms advantageous to me, which I delay to reply particularly to, till a fit opportunity, I proceed to such points as are immediately necessary.

In the first place you write that the English are very unfaithful to their engagements, quarrelsome, and the fomenters of disturbances, and that the principal actor in these disturbances is Mostyn, the Vakeel of the Settlement of Bombay, who laid the foundation of the quarrel with the English; you secondly write that they set up, and espoused the cause of Dada Ragonat Row Jee, and neither have left nor do leave any act of malice unperformed; that if I will engage warmly in the business, you will shortly cause 20 lacks of

rupees to be granted me from Seremunt Sircar, and that when I come against Bombay, you will send 20 lacks of rupees and 10 ships filled with your sepoys to my assistance.

Thanks to God, I have lately, agreeable to Seremunt's orders, and your inclination, entered upon this business, and neglect no means of prosecuting the war, and every day produces the most furious attacks upon the English Army, who are come before Pondicherry. A smart cannonade is kept up on both sides of which the Hercarrahs of the Sircar are eye-witnesses, and that we have destroyed three English grabs, and by the blessing of God shall destroy four ships which they have at anchor in deep water. It is necessary that you adhere faithfully to your treaty, and consider me arrived at Bombay the instant we have put an end to the contest here.

Copy of a letter from the Chief of Pondicherry to Hurry Pandit containing the whole of the foregoing with the following addition

I request that you will fully explain to Nana Farnavis what I have above written, and procure an immediate reply with the amount stipulated to be sent to me, that I may exert myself with the utmost vigor in this business, and having brought it to a happy conclusion, may repair thither. Let me constantly hear from you accounts of that quarter.

Ex-Major-General Munro, 6th October 1778.

The 8th of August. The troops that had been encamped near Conjeveram, consisting of two battalions of Europeans, three company's of artillery, and six battalions of sepoys, with sixteen six-pounders, encamped on the Red Hills within 4 miles of Pondicherry, and were intended to prevent any succours being thrown into the fort. The rest of the troops that were to form the army consisting of the grenadiers from the European regiments, two battalions of sepoys from Tanjore and Trichinopoly, together with all the grenadier companys from the Carnatic Battalions not employed on this service, as also the grenadiers from the Circar battalions and the remaining companys of the corps of artillery, being in general at so great a distance, could not for some time join the camp before Pondicherry, the battering cannon, together with all sorts of stores, were still wanting, and were to be brought from Madras, Vellore, Tanjore and Trichinopoly. This together with bad roads occasioned by violent rains made it impossible for us to do anything for some days. By the 20th of August, the Carnatic battalions and the grenadiers being arrived in camp, together with some cannon and stores, it was determined to take possession of the Bound Hedge on the 21st in the morning which was effected without loss. Redoubts were raised to prevent the enemy from coming out of the bounds, and every preparation was made to open the trenches, as soon as the stores came to camp. On the 31st of August some cannon and stores being arrived, and the fort and its environs having been examined, it was resolved to carry on two attacks. The one to the northward against the north-west bastion, the other to the southward against the bastion called Dauphin; a battery was began to be erected this night on the south-west to enfilade their works, to contain four twenty-four pounders and some mortars. The enemy fired continually on this work, but on the 4th of September, the battery was completed; on the 6th of September more stores being arrived, we broke ground to the northward and in the night drew a parallel within six hundred yards of the town; on the 7th a enfilading battery was erected to the north-west containing four twelve-pounders; on the 8th at night an approach was made from the Ariacopang River, on the south side, and carried within four hundred yards of the fort, where a parallel was formed; on the 11th at night a battery was began for ten twenty-four pounders to the southward, and on the 11th at night another for ten eighteen-pounders was began to the northward; several mortars were also placed in both attacks, and on the morning of the 18th all the batterys opened. The fire from the fort was very heavy from all sides, but towards the evening our batterys had apparently the advantage and the enemy's fire decreased greatly. The approaches both on the north and south attacks have been carried forward as quick as possible, and new batterys erected as the approaches advanced, to fire against the defences of the fort, and the state of our attacks

are this day as follows: On the southern attack we have extended our lodgements between the two ditches, and shall within twenty-four hours begin to carry a passage to the counterscarp of the inner ditch, which may reasonably be hoped to be accomplished in two days more; the only object then will be the effecting the passage over the ditch, which will be pushed with the utmost expedition. With respect to the northern attack, we have carried on our approaches and formed a lodgement on the crest of the glacis, embracing the angle opposite to the bastion attacked, and batterys are erected to take off the defences of those works that flank the said bastion. We have yet to extend our lodgement and then carry a descent into the ditch across the covered way, which work and the filling up of the ditch will in all probability require a few days longer to effect than our works on the southern attack. When both these are completed, we have every reason to hope that the reduction of Pondicherry may soon follow :—

A true copy,

CHARLES OAKELEY,

Secretary.

Ex-Major-General Munro, 25th October 1778.

Hon'ble Sir and Sirs.—In my letter of the 16th October, I had the honor to inform you of our operations before Pondichery, together with a particular situation of the attacks at that time. To this letter I beg leave to refer you, and shall now mention such circumstances as have happened from that time to the surrender of the place.

The 7th and 8th October the works both on the north and south attacks were advanced; the 9th a new approach was carried on to the northward, towards the salient angle of the ravelin near the bastion attacked. In the south attack, the gallery was much retarded by the violent rains which did damage to the trenches; the 10th the works were continued; the 11th the sap battery to the northward was so much damaged by rains and the enemy's fire from St. Joseph's bastion, that they were obliged to mask it; the gallery to the southward was advanced very near the ditch. The 12th and 13th the batterys in the north attack were repaired and the gallery to the southward advanced to the ditch, but the violent rains so swelled the water in the ditch that it ran into the gallery with such force that it seem'd likely to destroy it. On the 14th, the bridge of boats that was intended to be used for the passage of the ditch on the south attack, being completed and a float being prepared for the same purpose to the northward, it was intended to assault the place about 3 o'clock in the morning on the 15th. But about 11 in the forenoon the water forced itself into the gallery with such violence that it broke it down and damaged some of the boats. The face of the bastion attacked to the southward was entirely destroyed, and the face of the adjacent bastions almost as bad. The face of the north-west bastion was also in ruins. Major Stevens, the Chief Engineer, went immediately to give directions to repair the gallery, and on his return to the south-west enfilading battery he was unfortunately wounded by a cannon ball and died that evening. In him society have lost an honest man, and the Company a most valuable and gallant soldier. Though the assault could not take place, yet an attack was made on the ravelin to the northward about 2 o'clock in the morning; the ravelin was surprised, and the enemys party of 22 Europeans were mostly killed, wounded, or taken prisoners. Some sepoys escaped, as did some few Europeans. We spiked four cannon and four mortars, destroyed a good many arms, and a quantity of ammunition. The 16th, the gallery was repaired, and it was resolved to assault the place the next morning, and the necessary orders were to have been given to the troops in the evening, but about eleven in the forenoon Monsieur De Vellite, Aid-de-Camp to Major-General Bellecombe, came with a flag of truce from the fort, with a letter to me which you will receive with this, as also several letters that passed between Monsieur Bellecombe and me on this occasion. The capitulation has already been delivered to you by Major Campbell.

In justice to the troops I have the honor to command, it is with pleasure I inform you that both officers and men paid the greatest attention to their duty during the siege, and on every occasion that offered, shewed a spirit and resolution that will always do them the greatest honor. I consider myself as infinitely obliged to Sir Edward Vernon and his Majesty's squadron who during the whole siege have most cheerfully given every assistance and in particular when the assault was intended. Sir Edward landed his marines and 200 of his seamen to assist in the attack. Such stores as can be sent by sea have been put on board the *Bessborough* and *Success Galley*. The *Bessborough* is sailed and the *Galley* will go as soon as possible. The rest of the artillery will proceed to Permacoil and from thence will move to Madras if the weather will permit. You have herewith returns of stores expended and cannon damaged during the siege, and Captain Manoury is to make out the indent you desire as quick as possible. Enclosed is a return of the killed and wounded which amounts in all to 916 including the officers.

We have, &c.

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Proceedings of the Secret Select Committee from 4th January to 28th June 1779.

Secret Department,
Monday.

Fort William, the 25th January 1779.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*
RICHARD BARWELL, ESQ.
PHILIP FRANCIS, ESQ.
EDWARD WHELER, ESQ.

The Proceedings of the 11th instant read and approved.

The Governor-General delivers in the following minute:—

Governor-General's Minute.

GOVERNOR-GENERAL.—The intimation given by Mr. Barwell of his intention to return to England in the Public Department Consultation of the 11th instant has already given currency to an opinion of an impending change in the administration of these provinces, not only by the immediate consequences which his departure would produce in the influence of the present Council, but by the conclusion drawn from it, that it proceeded from some foreknowledge of the new settlement of this Government, and that it was intended as an anticipation of it. I feel myself exceedingly alarmed for the effects of this belief on our public measures, and especially on one which is now at its crisis, and may receive its ultimate direction from such an impulse. Calcutta is unhappily become the resort of Agents, both public and secret, from many of the States, and even of some of the remotest of India. To these the nakedness of our constitution has been long exposed, and the facility with which the most important transactions of the Council find their way to the public notice enables them to send early and constant advices, modified according to their respective views and interests, or dictated, as I believe, by a concealed influence, not only of actual events as they occur, but of every rumour of the day, to their several constituents.

By such channels it will be soon known, both at Poona and at Nagpore, that the powers of this Government, which rest with a majority of voices in the small body composing it, are on the eve of devolving to two members, who have invariably opposed in every stage of its progress the plan which has been publicly adopted for the support of the Company's interest on the western side of India, and who, it is universally believed, will seize the first means which are offered to them to defeat and annul it altogether. A Member of this Government entrusted with the guardianship of the Company's interests, and of the honour of the British name in India, has not scrupled to propose that we should make an abject submission to the honorable possessors of the feeble Government of Poona, acknowledging our past faults with a promise of amendment, and humbly entreating their permission for the safe retreat of our army from Berar to its own confines. If I misconstrue Mr. Francis's words, let them speak for themselves, as they stand in the following extract of his Minute, dated the 11th instant:—

"No choice is then left, but to order Colonel Goddard to return as he went. I do not say that this measure will not lessen the opinion which the powers of India may hitherto have entertained of the Councils of this Government. It may also be thought in some degree disgraceful to our arms; but neither

is this of weight against other superior considerations, nor do I apprehend that, if no direct impression be made upon our army, its bare retreat will prove anything but the extreme imprudence of those measures which have left us no other option. At the same time I think that proper letters should be written to the Peshwa to inform him of this alteration, to desire that the army may retire without molestation, and to assure him that we are sincerely disposed to come to a conciliation with him, and to adjust whatever differences may have unfortunately arisen between his Government and ours in an amicable manner and agreeably to the terms and principles of the Treaty of Poona."

What conduct may not be expected from such sentiments, and so avowed, if they are allowed the accession of power to give them operation, not only in the instance which I have already mentioned, but in every other measure of Government, however necessary or salutary, which has been proposed by me or Mr. Barwell. This it shall be my care as it is my duty to obviate by every means within the slender compass of my ability. I do therefore conjure Mr. Barwell both by that zeal which he has hitherto so steadily manifested for the interests of our common masters, and even by the ties of a friendship cemented by a participation of the same labour and sufferings for the public service, that he will not permit the measures in which he has a common and equal responsibility with myself, to be exposed to the triumph of a party, but that he will both continue to afford the support of his presence and abilities to the present Government, while it yet exists, and that he will suffer me to exact from him a declaration to that purpose, not only for my own satisfaction, but for that of every man who has the Company's interests or the prosperity of this settlement, or the credit of his country, at heart, and who, I presume to say, expects this sacrifice from him. A few months will either release him from the effects of it or bind him by fresh obligations, and such as may engage his voluntary submission to remain; for left as this Government has been for the last four years to a state of suspense and indecision, it is not possible for it to continue so beyond the terms of its legal existence, which must cease of course even without the hand of power to annihilate it in the month of October, and it is not probable that we shall be much longer ignorant of that which must of absolute necessity be substituted in its place. If I may trust to the intelligence which I have received from England so late as the 10th of June, private indeed, but derived from what I deem the best authority, no alterations will take place at that period which will affect either Mr. Barwell or myself.

Mr. Barwell.—I am concerned that I should have given occasion for the minute this instant presented. The declaration of my intention to depart, I thought, had been sufficiently guarded to obviate any consequences that might affect the influence of the existing Government. I do not mean by the declaration I have already made to decline my aid in the support of the Governor-General's administration so long as it shall continue. I have hitherto yielded it with cheerfulness, and do not propose, whatever wish my health may make me entertain of going to Europe, to decline sharing with him in the responsibility of his measures so far as I have engaged in them, and consequently supporting him under every discouraging circumstance that may stand in opposition to my duty. I do not think myself at liberty to follow my own wishes, and every private consideration must yield, should the public service require it. The reasons that are assigned for it by the Governor-General require me absolutely to retract the intention. I have declared I admit the force of them, and with pleasure declare my determination to support his Government as long as the public measures of it shall require me.

Governor-General.—I beg leave to record my thanks to Mr. Barwell for his ready and honorable acquiescence in my request. It adds to the many obligations which I already owe him for his past support, but cannot heighten the sense of gratitude which I already entertain for him.

Mr. Francis.—I shall leave it to the Court of Directors, who will have the whole of my argument before them, to determine whether the passage quoted from it by the Governor-General will fairly bear the construction he has been pleased to give it. Passionate and contemptuous terms, unaccompanied with argument, will prove nothing against the prudence of that opinion,

which I submitted to the Board with an express declaration of my readiness to correct or alter it, if just and solid reasons were suggested to me for doing so. The Governor-General gives no reasons, nor does he propose anything, yet, I presume, it is meant that Colonel Goddard is to be left much longer without instructions. It happens singularly that the advice which I have presumed to give on this occasion concurs with an opinion which I should have thought would have had some weight with the Governor,—I mean that of Moodaji Boosla. His former letters, which I have already referred to, were sufficiently explicit; but even in one received within these few days, and written after he had seen and conversed with the person whom Colonel Goddard had deputed to him, and after he was perfectly apprized of the intended plan of alliance, his advice still is to come to a conciliation with the Peishwa. He says: "I do not myself think it by any means prudent, at present, to enter on this business, that it is improper precipitately to plunge into undertakings of such a nature, and that precipitation is not at present by any means advisable." These sentiments of Moodaji Boosla, I apprehend, could not be influenced either by Mr. Barwell's late declaration, or by the opinion expressed in my minute of the 11th instant. They appear to have been invariably his own ever since he had any knowledge of the Governor-General's views. In such a situation it avails but little to say that any particular opinion of a member of this Government is dangerous, impolitic or disgraceful. Moodaji Boosla refuses to act. Can that fact possibly be denied? Yet the Governor-General proposes nothing. I see we differ very much in our ideas of national honor. I have no idea of national honor independent of justice. The projects of ambition are usually dangerous. If they are nothing but the projects of ambition, they are, in my judgment, always dishonorable. To revert to that pacific system which the Company have uniformly prescribed to us, to endeavour to conciliate the friendship which we have unjustly or unwisely departed from, and to return, if it be possible, to the terms of a treaty which we ourselves have wantonly violated,—are not acts that will ever, as I think, and as I feel, bring dishonor on the British name. I am sure they are the best means of preserving our strength and our real influence in India, and I have no doubt that they will meet with the highest approbation from home. As long as I am trusted with any share in the office of guardian of the British interests and honor in this country, these shall be the principles on which I will invariably act.

For what purpose Mr. Barwell made his late declaration, or for what purpose it is now retracted, is to me a question of the most profound indifference. I believe it to be equally immaterial to the support of the influence and authority of the present majority of this Board. In the language of Moodaji Boosla, *the arrow is shot and cannot be recalled*. Since the Governor-General has been pleased to mention his private intelligence, and the security it gives him, I shall beg leave to assure him that I also have private intelligence (which perhaps may be no better founded than his, but on which I, for my own part, place some dependence) that a total change in the ruling power of this Government was determined when Sir Eyre Coote left England, and I have no doubt that Sir Eyre Coote will give us some very satisfactory information on this point; but, whether he does or not, his presence alone must, in the highest degree, affect that very object which Mr. Barwell's present declaration professes to have in view.

GOVERNOR-GENERAL.—The respect which I bear for the character of Sir Eyre Coote would have prevented me from introducing his name on the present occasion, had I thought it any way concerned in it, and restrains me from answering the assurances implied in the conclusion of Mr. Francis's minute respecting him; for the rest I mean not to enter into a debate with Mr. Francis. I had a different object, yet I think it necessary to say that I know of no expressions of mine which merit the epithets of passionate or contemptuous, neither did I mean, or do I now think it necessary, to answer his minute of the 11th instant with argument. I did not understand it to contain any serious proposition. It may be irony, it may be sarcasm, it may be invective, but I believe that no one who reads it will understand it to aim at any other object, and it was for that reason I have said that I thought it neither necessary nor proper to reply to it.

Mr. Francis.—I hope and believe the Governor-General did not mean to apply the terms I allude to personally to me, nor did I object to them on that presumption.

Secret Department,
Tuesday.

Fort William, the 23rd March 1779.

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Richard Barwell, Esq.

Philip Francis, Esq.

Mr. Wheler, *indisposed.*

Read and approved the Proceedings of yesterday.

From Nabob Hyder Ali Cawn, to the Governor-General.

I have had the pleasure to receive your letter, the contents of which I understand.

I see what you write concerning your intentions against the French Factory of Mahé. In my country there are factories belonging to the English, Dutch, Portuguese, Danes and French, and besides them, there are many merchants here who are considered as my subjects; if any one entertains designs against those traders, I will, without doubt, take the best and most considerate method to give them assistance. If you are not already acquainted with this, you may inform yourselves of those who have been long Members of your Council.

What shall I say more?

Secret Department,
Thursday.

Fort William, the 13th May 1779.

At a Council, present:

The Hon'ble Warren Hastings, *Governor-General, President.*

Richard Barwell, Esq.

Philip Francis, Esq.

Mr. Wheler, *absent at Bencool for the benefit of his health.*

Sir Eyre Coote, K.B., *absent, forming military arrangements.*

Read and approved the Proceedings of the 6th instant.

Received the following letter from Fort St. George:—

Fort St. George, 23rd April.

Hon'ble Sir and Sirs,—In our despatch of the 12th March we had the honor to enclose you a copy of a letter we had received from Hyder Ali relative to an expedition against Mahé, and in a former dispatch we communicate to you the purport of a message which had been delivered to us through his Vakeel on the same subject.

We have now the honor of transmitting to you a copy of another letter received from him written in the same style, and conveying the same hostile intentions that are expressed in his former letter and message; we also enclose a copy of the answer we have written to Hyder Ali on this occasion, which we hope will appear to you suitable and proper.

From what has passed, we can entertain but little doubt of Hyder's determination to break with the Company, and we are of opinion that not a moment should be lost in concerting the necessary measures for acting in that event

with such a degree of vigour as may be likely to bring the war to a speedy conclusion, which we think may be effected without rendering the possessions of the Company too defenceless to oppose any probable attempt that may be made on them by the French.

For this purpose it appears to us expedient that the three Presidencies should unite their forces in proportion to the ability of each, and that a powerful attack should be made from the Malabar Coast upon Hyder's two capital fortresses of Seringapatam and Bangalore, the reduction of which would probably put an end to the war. The force under the command of Colonel Goddard with a proportion of the Bombay troops and the heavy artillery and stores necessary for this undertaking might penetrate to Hyder's capital on the Malabar side, while a light army of our troops might proceed from this coast through the passes, and join them if necessary or amuse Hyder in such manner as to leave them at liberty to prosecute their operations against his principal ports.

These are chiefly our ideas of the mode in which the war ought to be carried on to advantage; it will depend in great measure upon your endeavours to give proper effect to this or any other plan which it may be thought necessary to adopt on this occasion, not only as the united efforts of the three Presidencies will be necessary in the execution of it, but as the resources of the war must come chiefly if not entirely from the Bengal Treasury.

We have just received from Colonel Braithwaite the articles of capitulation for the surrender of Mahé, and enclose a copy for your information. Colonel Braithwaite keeps with him a company of Grenadier Europeans, a complete battalion of sepoys from Grenadier companies of sepoys, and a company of artillery to take care of the conquest, until the fortifications be destroyed; the remainder of our troops he has returned to this coast.

Since writing the foregoing, we have intelligence from the Nabob that Hyder has made a conquest of the Cuddapah country and taken the Phonsdar prisoner; that he is proceeding to subdue the Phonsdar of Cannoal and that he means also to make a conquest of the territories of Bazalet Jung, of which last measure the Vakeel of Bazalet Jung has in the name of the master expressed the strongest apprehensions; that he has also written threatening letters to the Zemindars of Veneatargary and Callatry, who are tributary to him, in consequence of our late negotiations with Bazalet Jung. We have resolved to send immediately for the protection of his country three battalions of sepoys, a company of artillery and six field-pieces. Hyder's proceedings in that quarter have added greatly to his power and given him a much more easy access to the Carnatic than he had before.

Considering all these circumstances, we are of opinion that immediate measures should be taken to compel Hyder to retreat back within his former limits, or if necessary to reduce him totally; for we have every reason to believe from the language he holds and from the nature of his proceedings, that he will very shortly draw us into hostilities, in which case it will be highly expedient that we should be prepared to act decisively, and we request you will favor us with your sentiments and determination on this letter as soon as possible.

We have the honor to be, &c., &c.,

FORT ST. GEORGE, } THOMAS RUMBOLD, &c., COUNCIL.
The 22nd April 1779. }

From HYDER ALI CAWN, to the GOVERNOR, dated 13th Suffer or 19th March 1779, received 7th April 1779.

The gentlemen of your Council have no doubt given you an account of the former war and the treaties agreed to on both sides. As the frontiers of both our

(Enclosure in the letter from Fort St George)

countries join, it is proper, in case of a peace or good understanding between us, that there should be no encroachment or violence used on either side, yet your kelladars and talookdars, not conducting themselves as was fit, have raised troubles and behaved like thieves in the country on this side my frontier. In order to put a stop to these malpractices I wrote at different times to my vakeel to represent this to Surajah-al-Dowlah (the Nabob) and to you and the Council, which my vakeel accordingly did, and made you acquainted with it, but nothing has yet been done, and the outrages committed by your people still continue, the cattle belonging to the inhabitants of my country are carried away, and many villages have suffered by those depredations.

Out of consideration for my friendship for the King of England and the gentlemen of the Council I took no steps to retaliate the injury. Now you have set on foot an expedition against Mahé. There and many factories in my country belonging to the Dutch, English, French, Portuguese, and Danes who trade in my country on the footing of subjects. None of those possess forts or countries which should give cause to any other to attack them, and if any one should attack them, it will be proper for me to give assistance to those whom I consider my subjects. You and the gentlemen of Council are acquainted with this and at any rate will act as you think proper.

What shall I say more?

Fort William, the 24th May 1779.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, K.B.

MR. WHELER, *absent at Bencool for the benefit of his health.*

The Proceedings of the 13th instant read and approved.

The Governor-General delivers in the following Minute:—

THE GOVERNOR-GENERAL.—Judging from some intimations which have been casually made at the Board in conversation upon the despatches lately received from the Select Committee of Bombay that our sentiments without a previous and liberal communication of them might differ, not so much in the judgment which we might severally pass on the occurrences themselves, or on the conduct of the persons by whose agency they were produced, as in the choice of the subjects which should form the substance of our reply to their letter, I have thought it proper, and hope I shall perform by it an acceptable service to the Board, to enumerate and distinguish the several points which are presented to our notice in the voluminous papers composing these despatches, and which appear to require either the instructions or animadversions of the Board upon them.

As my design in this undertaking is to shorten the labour of the Board, and to obviate the difference of opinion on an occasion which seems to me to demand the united and most respectable application of the power of this Government, I hope that it will be received with candour, or at least that it may escape controversy. If either in the state of facts or deductions from them, or in the opinion which I may deliver of the conduct to be observed by this Government in relation to them, I may not obtain the concurrence of every

other member of the Board, I repeat that I do not mean to offer propositions for their determination but subjects for their selection.

To these I shall proceed and arrange them in their order of time—

1st.—The plan formed by the Select Committee of Bombay on the 21st of July 1778, in concert with Moraba Furnesse, Buchala Proonder, and Tuckrojee Holcar for the restoration of Ragonaut Row to the chief administration of the Maratha State.

2nd.—The second plan formed on the 12th of October 1778, and engagements concluded with Ragonaut Row alone for his restoration

3rd.—The institution of the Poona Committee.

4th.—The conduct of the Poona Committee.

5th.—The conduct of Mr. Carnac.

6th.—The conduct of Colonel Gerton.

7th.—The conduct of Lieutenant-Colonel Cockburry.

8th.—The specific charge preferred against Colonel Egerton and Lieutenant-Colonel Cockburn and the reference of the same to the Governor-General and Council.

9th.—The march of the army from Panwell to Candola.

10th.—The descent of the army from Candola.

11th.—The retreat from Tulligaunj.

12th.—The surrender of Ragonaut Row.

13th.—The secret stipulation with Madajee Scindia.

14th—The resolution of the Select Committee to disavow both.

15th.—The suspension of Colonel Egerton and Lieutenant-Colonel Cockburn.

16th.—The promotion of Lieutenant-Colonel Hartley and the other promotions and supersessions. General rules for promotion published in the General Orders of the 1st February 1779 and remonstrances of the superseded officers.

17th.—Plan of negociations proposed by Mr. Hornby on the 19th February 1779 and agreed to by the Select Committee.

18th—Plan of operations proposed by Mr. Hornby on the 30th March.

19th.—Recommendation of Colonel Goddard.

20th.—It will be a question whether any and what supplies of money shall be sent to the Presidency of Bombay and to Colonel Goddard?

21st.—And lastly what instructions shall be sent to both for their future conduct, whether dependent or independent of the foregoing subjects.

If in this catalogue I have omitted any matter of consequence offered to our deliberation in the papers now before us, the recollection of the other members of the Board will supply the deficiency: this will at least be sufficient to show how extensive, various, and complicated a duty is imposed on us by these despatches, if we must of necessity enter on the consideration of all the transactions and events which are related in them, if we must pass judgment on every instance of personal conduct either directly or indirectly brought by them to our notice, and if we are to prescribe rules for their conduct on every distinct subject under every variation of circumstances which may eventually attend it.

If the Board shall judge it incumbent on them to enter into so laborious a discussion, I shall submit, though reluctantly, to bear my part in it, reluctantly because it will occupy more of our time than we can spare from the more

substantial objects, and because I foresee that it will lead to altercation amongst ourselves, it being impossible that we who have but begun to agree in opinion on our public measures should all become of one mind on twenty-two distinct and interesting propositions, and because it would be unavailing and inconclusive.

To censure or to commend is all that we can do, except in one single instance, for our censure cannot impress restraint nor our commendations avert the effects of past misfortunes or preclude the judgment which awaits the instruments of them from higher authority. Our effectual authority is limited to political engagements and military operations undertaken without our previous license. The treaty or convention, or whatever name it may bear, which was concluded at Wargaun certainly falls within this description, and it is in our power if we please to punish the authors of it by a temporary suspention, but is it necessary? An act so fatal to the interests of the Company and so disgraceful to the reputation of the British nation cannot fail to excite the most rigid scrutiny into the conduct of every one concerned in it, and the causes which produced it, by those who have the power both to judge and to punish, which perhaps in this case we have not in effect.

The charge preferred by Mr. Hornby against Colonel Egerton and Lieutenant-Colonel Cockburn and referred expressly to us for our judgment upon it, is but a small portion of a long series of great apparent misconduct, every part of which has an equal claim and many greater to our consideration of them. There was no need of this reference to us nor are we competent to receive it. The charge might have been tried by a Court Martial, and, if the President and Select Committee had deemed it necessary for any cause not so properly cognizable by a Court Martial, or capable of proof before it, or for any other reason, to remove Colonel Egerton and Lieutenant-Colonel Cockburn from their military command, or from the service, they might have removed them and ought to have done it in such a case, without any form of trial, by the powers vested in them by the Company. It does not consist with the dignity of this Government to assume a jurisdiction which it cannot legally exercise nor effectually, without the consent of those who possessing ample powers them, selves have desired to consign them to us, whether because they doubted the equity of their own conduct or dreaded the responsibility annexed to it, and therefore sought to lighten the weight of it by sharing it with us, for I cannot conjecture any other probable motive for so extraordinary an appeal.

If in the above reflections I have expressed the sentiments of the other members of this Board, nothing remains for our consideration but the question of what shall be done, and the review of the past events so far only as they relate to it.

We have already disavowed the convention of Wargaum. Would to God that we could as easily efface the infamy which our national character has sustained by the concession inserted in it, as we can justify on the strictest principles of honor, justice, and public faith our refusal to ratify the substantial parts of it.

The separate agreement made with Madajee Scindia stands on very different ground. It was not a concession extorted by the Maratha Government against its conviction of legal sufficiency in those who yielded it, but it was the price at which they purchased the safety of the army, and was so absolutely their own spontaneous act, that it appears, that the Ministers of Madajee Scindia were even corrupted to influence his acceptance of it. It is true that they had no authority to make such a compromise, and we may therefore refuse to ratify it in strict conformity to the letter of our own law; but I doubt whether this will avail us in the opinion of the world, or we can reconcile it to the obligations of justice and honor which were thus pledged for the retribution of the most signal (though humiliating) act of kindness that a nation could receive from the bounty of an individual, unless we can be allowed the rule of Asiatic policy in doing to all men what we know they would, under similar circumstances, do unto us.

I am compelled therefore in conscience and duty, to declare that, unless Madajee Scindia shall have forfeited his right by any subsequent act, he is entitled to the performance of his engagement and we ought to ratify it.

•Except this be made an addition to the instructions already given to Colonel Goddard, (and I must own that I do not think that it will contribute to their success but the contrary), I know of no other point of immediate negociation or action that can be prescribed either to him or the Select Committee of Bombay, until that commission shall have been concluded either by a definitive treaty of peace or by a decided war.

This is not the proper time to determine on the measures which may be necessary in the case first supposed. If the Maratha rulers shall finally reject our offers of peace, we must endeavour to make the most of a state of war; and for that purpose I cannot recommend a better plan of operations than that which is contained in Mr. Hornby's minute of the 30th March. It appears easily practicable by the force we possess; it will yield us, if successful, the very lands which were the objects of our late engagements, and distress them in the means of supporting the war by the loss of so considerable a portion of their revenue at the same time that it will increase our own.

Whether these or whatever others may be the grounds of our present resolutions, I hope, the Board will see with me, the propriety of conveying them in such a form and temper as may give encouragement and confidence to the Presidency of Bombay instead of adding to their depression. They are the immediate guardians of the Company's property on that side of India, and it is by their agency we must defend and support the general rights of the Company and the honor of the British nation, unhappily involved, as they appear to be, in the consequences of their past miscarriages. In an emergency so critical and important we have (as I conceive) but this alternative, either to transfer the power (if we can do it) into fitter hands, or to render it as complete and as efficacious as it can be made in theirs. To mark our want of confidence in them by any public act would weaken theirs in us; to load them with harsh and unoperating reproaches would indispose them to our authority at the same time that it absolve them from its effect; and to blind their deliberations by absolute and undiscretional orders might eventually disable them from availing themselves of any fortuitous advantages which the confusion of the Maratha Government is more likely to offer them than any plan which we could prescribe to them, or which they could form on the letter of our instructions,—in a word, such a conduct, by inflaming the passions of men whom we are not to regard as exempt from the common infirmities of humanity, would prove the surest means of converting the powers which were still left in their hands into the instruments of opposition and even of the defeat of the very measures which require their agency, and cannot be accomplished without it. Let us rather excite them to exert themselves for the retrieval of their past misfortunes, and arm them with the means adequate to that end, restricting their powers where the objects are determinate, and permitting a more liberal extension of them in cases which are too variable and uncertain for positive injunctions. Their admission of Colonel Goddard to a deliberative seat at their Board, and the request which they have made to us to allow of his being appointed to the chief command, if it should be vacant, of their military establishment, which would give him an effective voice in their Select Committee, present to us an occasion of adopting the principle which I have recommended with the most ample caution for the safe application of it. I hope and persuade myself that we have all the same opinion of Colonel Goddard's merits. I for my own part have a pleasure and will add a pride in declaring that though I have often traced back his conduct in my reflections to the period on which he first obtained the command of the expedition, I have not been able to detect one error committed by him, or advantage neglected, either in his military conduct, or in the line of his political negociations. His command has been alike distinguished by the spirit of enterprize and activity,—qualities which he was universally acknowledged to possess,—by prudence and circumspection, by a conciliatory temper, a friendly demeanor to the inhabitants of the various countries through which he had to pass, and a strict attention to the good order of his troops under his command; by a happy and a ready decision in the choice of expedients and an implicit obedience to the orders under which he acted, of which the proceedings of Select Committee afford not the least remarkable instances. By acquiescing in the Presidency of Bombay and by blending the powers already vested in him

with those of the Select Committee, we shall add vigour to their resolutions and a security against their effects, at least so far as our confidence in him may be justly placed.

The following draft of an answer to the Presidency of Bombay has been framed on the principles recorded in this minute, and are submitted in the form of a finished letter rather for the means of dispatch than in the presumption of its proving exactly conformable to the opinion of the Board on every subject which it contains or which it may be judged advisable to comprise in it. I have not yet drawn up any letter to Colonel Goddard, as that will depend on what is written to Bombay.

To the President and Select Committee of Bombay.

We have received your letter of the 4th of April with its enclosures by the hands of Mr. Horsley.

We do not think it necessary to enter on the review of your proceedings but shall confine our present enquiries to the choice of such means as may best conduce to retrieve their unhappy consequences, leaving the past to the scrutiny of higher and more effectual authority.

We must desire to decline the reference which you have made to us of the charge preferred by your President against Colonel Egerton and Lieutenant-Colonel Cockburn, as a point, on which we have no jurisdiction, and which is cognizable only by your authority either with the powers immediately vested in your body by the Court of Directors, or through the regular trial of a court martial.

Having already given full powers to Colonel Goddard to negotiate and conclude a treaty of peace with the Maratha Government, and having no cause to alter the terms which we have prescribed in our instructions for that purpose, we have only to repeat that we look to the issue of that commission as our primary object, and the termination of all our political views on your side of India if it shall prove successful.

But if the Ministers shall reject the proposals which we have ordered to be made to them, and shall reduce us to the necessity of defending the rights and interests of the Company by an open war, we cannot prescribe a better plan of operations than that which is laid down by your President in his Minute of the 30th March, which in such case we authorise you to carry literally into execution, and even to qualify it by such variations as shall not subvert the general design of it, which we understand to be the reduction of such countries as lie along the sea-coast forming a line of territory with our present possession on the continent, and defensible against the incursions of cavalry, and we further authorize and empower you, with the reservation hereafter mentioned, to enter into any treaty or engagement with the Chief of Guikwar family or others for the above purpose, and on the grounds described on the aforesaid plan, observing the following cautions, to which we require your strictest attention. That your engagements shall be offensive only for the objects of your immediate operations and in all other respects purely defensive. That your engagements with the Guikwar family shall be with the head of it and with him exclusively. That you shall not assume a mediation between the brothers, or take any part whatever in their domestic disputes, further than to support the party in alliance with the Company and his possessions against foreign invasion, and that you do not commit the dignity of the Company, or pledge the national faith, in formal treaties with persons of a rank or power unsuitable to such a distinction.

We are sensible of the attention which you have shewn to our views with the Government of Berar in joining the overtures lately made to Madajee Boosla by Colonel Goddard, and in your resolution to avoid whatever might again interfere with this negociation. We confess we at this time entertain little hope of his concurring with our designs. He will wait for proofs of our superiority before he will hazard the consequences of a decided connection with us, and every offer made to him, while he is under the influence of such a policy, will but serve to increase his reserve, as he will naturally construe it to proceed from the consciousness of our inability to support ourselves without a foreign assistance; and this is an additional motive for our preferring a scheme of military operations practicable by our own force and unencumbered with the

weight of a timid ally. If, notwithstanding, Madajee Boosla shall have answered the letters which have been written to him by a declaration of an willingness to accept the proferred alliance, we shall leave it to be concluded under the instructions already given in charge to Colonel Goddard. If, on the contrary, as we expect, he shall directly refuse or hesitate or make new references to us, we have in such case directed Colonel Goddard to break off the negociation nor to resume it, but on advances made to him by the Government of Berar, nor then, unless it shall be strictly compatible with the state of our other connections then subsisting, and with your participation in the manner which we shall prescribe hereafter.

Although we think ourselves strictly justifiable in refusing to ratify even the smallest tittle of the treaty or convention of Wargaum, yet from a fair review of your proceedings we are compelled to regard the separate agreement made with Madajee Scindia in a very different light. It was not a concession extorted by the Maratha Government against its conviction of legal sufficiency in those who yielded it, but it was the price at which they purchased the safety of the army, and was so absolutely their own spontaneous act, that it appears that the Ministers of Madajee Scindia were even corrupted to influence his acceptance of it. It is true that they had no authority to make such a compromise, and we may therefore refuse to ratify it in strict conformity to the letter of our own law; but we doubt whether this will avail us in the opinion of the world, nor can we reconcile it to the obligations of justice and honor which were thus pledged for the retribution of the most signal (though humiliating) act of kindness that a nation could have received from the bounty of an individual. We must therefore declare that unless Madajee Scindia shall have forfeited his right by any subsequent act, he is entitled to the performance of this engagement, and we ought to ratify it.

We hope he may be prevailed upon to depart from the letter of this stipulation and to accept of what he may deem an equivalent for it, and we authorise you to treat with him for such a compromise, declaring on our behalf that we disavow the authority of Mr. Carnac and Colonel Egerton to execute the engagement with him which was executed by them, but that in consideration of the signal service afforded us by his mediation and influence, at the time in which it was made and made (as we understand) the pledged condition of that service, we deem it in this construction equal to a formal obligation, and therefore empower you to treat with him for the accomplishment of it, in such a manner as shall prove satisfactory to him and more consistent with our national credit than the literal performance of it; but if he shall insist on the literal performance of it, and he shall not have forfeited his right to it by the renewal of hostilities against us, or by any breach of engagement, if any such exists between us, we see no alternative. It must be fulfilled.

Although the conduct of Madajee Scindia may not seem to confirm your opinion of his disposition towards us, or rather of the political necessity which seems to incline him to ensure our future alliance, yet we think the arguments which you have assigned for this belief so well-grounded, and it agrees so well with the knowledge which we ourselves possess of his state, views, and talents, that we entirely adopt it; nor do we find it difficult to reconcile the demands made on us, under his influence, by the Ministers, and immediately by him, for the performance of the conditions of the convention of Wargaum with that disposition, or with the obvious system of policy which his present interest demands.

We suppose it probable that he will avoid any direct engagement with us till the urgency of his affairs shall require it, or until he can gain the advantage of the negotiation by waiting for the first advances to be made on your part. If, from the opportunities which you have of a nearer and more intimate knowledge of his personal character and necessities, you shall judge this conclusion to be well grounded, it will be advisable to treat him with the same temporizing and indeterminate conduct, and pursuing the plan of military operations which we have recommended, to wait for the offer of his alliance rather than solicit it. In proposing this as a general caution, we authorise you to enter into such engagements with him as shall not be contrary to any before

concluded, and which you shall judge most advisable, making your future security, peace, and an adequate revenue, your chief and indispensable objects and the grounds of your engagement with him.

To sum up what we have written, our first desire is to obtain peace on the terms proposed by our instructions to Colonel Goddard of the 15th April; and it is only in the event of the failure of this design, that we have formed the subsequent instructions, or will allow of their operation.

In these the plan of military operations recommended by your President is to have the first place with its dependent engagements with the Guikwars. The next in order is the negociation with Madajee Boosla, and the last the proposed engagement with Madajee Scindia.

The execution of the projected treaty of peace with the Poona Ministry we leave to the sole charge of Colonel Goddard, according to the instructions which we have already given him.

The negotiation and treaty of alliance with Madajee Boosla we also leave to the sole management of Colonel Goddard, on the authority of his instructions of the 16th November, until the period of their suspension by the refusal or such hesitation of Madajee Boosla as he shall deem sufficient to warrant his declaring the negotiation suspended. But in the future renewal of the negotiation and in all other negotiations, treaties and plans of military operations, it is our wish so to blend the powers of your Government with our own in the direction of them, and in every formal or occasional instruments which they may require for their ratification, as to preserve the credit and distinct responsibility of both, and to make both the pledges for the faithful observance of them. For this purpose we need not recommend that Colonel Goddard be consulted, when his presence or the nature of the subjects will admit of it, on all measures which have a relation to our present instructions. As you have already been pleased to allow him a deliberative voice in your Councils, and we are happy to find that you are so well satisfied with his conduct and his ready disposition to assist in the execution of your designs as to leave us little occasion to lay down a clearer line for the employment of the forces under his command than that which we have already described.

We have directed Colonel Goddard to execute whatever service you shall think it proper to require which shall not be contrary to our instructions or to any existing engagements—a caution which we hope will be unnecessary, but with which we do not consider ourselves at liberty to dispense, while the principal responsibility rests on us; and we must require that for the formal representation of his Government in any treaties or other engagements which you shall form in virtue of these instructions, Colonel Goddard do affix his signature thereto, without which we shall not allow them to be complete or valid.

We very readily and cheerfully acquiesce in the desire which you express to invest Colonel Goddard with the chief command of your military establishment whenever that office shall be vacant, reserving to ourselves the right of recalling him to our service in the event of any appointment from home, by which he may be superseded in the chief command, and your intentions in conferring it upon him be thereby defeated. As he will by such a destination become a regular member of your Government according to the instructions of the Company and have an effective voice in your Councils, we do not consider it necessary that he should in that capacity be invested with a greater authority than any other member of your Select Commttee, and we do, therefore, in such case, revoke the powers which we have given him to that effect with this single reservation, *viz.*, that although he will be bound by the resolutions of the majority of the body of which he is a member, yet we require that, in order to preserve a formal distinction of the powers of this Government in the instruments which appertain to his ministerial agency, he do affix his separate and formal signature to it, as the representative of this Government.

Mr. Francis delivers in the following Minute, dated the 24th May 1779:—

Mr. Francis.—It is needless, at this time, to enter into a consideration of

the justice of our quarrel with the Maratha Government, or of the extent and quality of the powers under which the Presidency of Bombay have acted in violating the treaty of Poona. Those questions have been sufficiently discussed in the Governor-General's minutes, and mine, before Sir Eyre Coote's arrival.

The following observations are confined to the policy of the measure within itself, and on its own principles, and to the propriety of the means made use of to carry it into execution:—

1st.—It appears by the Bombay Consultations of the 10th December 1777, and by their letter to us of the 20th January 1778, that they were unanimously determined not to engage in any active enterprize in favour of Ragobah unless they were solicited thereto by Sacaram, Moraba, Butcherba, and Tookojee Holcar by a joint application, under their own siccas and handwriting, and that this was a condition *sine quâ non.*

Yet on the 21st of July following they resolved to march to Poona with Ragobah without having received any application from the persons above mentioned or entered into any specific engagements whatsoever with any of the Maratha Chiefs. After the expedition had failed Mr. Hornby says: "it was evident that there was not one Chief in the empire who would draw sword for Ragobah."

19th February 1779.

It follows therefore that, in undertaking to act without having previously settled terms of co-operation with some of the Maratha Chiefs, they departed from their own fundamental principles, and, as far as success depended on such co-operation, had no right to expect it.

2nd.—It further appears, by their proceeding of the 12th of October 1778, that, when they took their resolution in July, they reckoned upon the hopes of assistance from Moraba, Butcherba and Tookojee Holcar with 30,000 horse, yet in October they determined to carry their plan into execution, when every expectation of such assistance must have failed them, *considering that the two first of the above Chiefs were under restraint, and the latter greatly suspected.*

Vide Mr Draper's Minute of

3rd.—In July they appear to have relied on the assistance of Colonel Leslie's detachment, and to have considered the securing a junction with him as essential to the success of their plan, for which purpose they then sent him orders to march to Ziner; yet on the 12th of October, while our detachment was still in Bundlecund (the same station which it occupied in July), that is at so great a distance that a junction could not possibly have been effected before February following, they determined to carry their plan forthwith into exetution.

4th.—With these facts before me, I have a right to conclude that the Select Committee, in attempting to march to Poona, have acted in opposition to their own professed principles—I mean that, whereas at first, and up to the 12th of October, they appear to have thought certain conditions necessary as well to justify their engaging in the measure in question as to insure the success of it, they at last plunged themselves into the execution of their plan, when every one of these conditions had failed them.

5th.—Their ignorance of the real state of the Poona Darbar, and of the respective powers and influence of the persons who composed it, is a remarkable circumstance, and should serve as a future caution to the Company, and to this Government, against trusting implicitly to any intelligence we may receive from that quarter. While the plan was in agitation it suited their purpose to represent Nana as the most powerful, and to us the most formidable, of all the Maratha Chiefs; that he was devoted to the French and had engaged to put them into possession of Choul. Whatever his inclinations might be, of which we have no better evidence than of the rest, it is clear that they were mistaken in the opinion of his power. Mr. Hornby, in his minute of the 19th February, says "the lead that Scindia has taken in the administration, and the condition to which he has reduced Nana *to be no more than a creature of his*, were never thoroughly known, till the facts discovered themselves on this occasion, yet they are to be traced in Mr. Martyn's and Mr. Lewis's advices ever since the

resolution affected by Madajee Scindia's means in June last, when Nana fled to him." On which Mr. Draper observes that "he cannot enough lament that we have so lately become acquainted with Scindia's being the principal person in power notwithstanding the residence of Messrs. Martyn and Lewis at Poona.

In the execution of the measure, the Board, I think, will see such errors at the outset as might have been alone sufficient to defeat it.

1st.—The appointment of field deputies under the title of a Committee for concerting and conducting all military operations. The success of military enterprises depends on a unity of command, without which there can be neither decision or despatch; debate and execution cannot move together; constant experience has shown the bad effects of field deputation. The Company in a former instance severely condemned the appointment of some gentlemen at Madras on a similar service, and no one argument is suggested to shew that such an appointment was necessary on the present occasion. If the Select Committee deemed their commanding officer unequal to the conduct of an expedition of three-score miles, they ought not to have employed him. To place a civil authority over the immediate execution of military operations might create many mischiefs, and could correct none.

Mr. Hornby himself seems to have entertained the same opinion of the measure that I do. The commission given to the Committee requires the obedience of all the Company's servants, civil and military, yet Mr. Hornby, in his letter of the 23rd December, to Mr. Carnac, says that "in his opinion there can be no necessity for publishing it, and that the promulgation of such a Commission might bear the appearance of setting up an authority, in the very camp, to supersede that of the Commanding Officer and give ideas among the troops, as well as to Colonel Egerton, very different from those of Select Committee." He confesses that the words "*to correct and conduct all military operations* are too comprehensive, that they *escaped* him at the time the commission passed, and he thinks must have escaped Mr. Carnac also."

Considering the body of the commission itself does not exceed a few lines, it seems extraordinary that the essential part of it should pass unobserved by those who drew it up. But whether it escaped those gentlemen or not, Colonel Egerton has sufficiently cleared himself from any concern in the measure. Before he left Bombay he protested against being accompanied by field deputies. The Commission was framed after his departure, and he protested against it being published in the army as soon as he saw it.

2nd.—The immoderate quantity of baggage and train of cattle which attended the army, and which is said to have amounted to nineteen thousand, seems to have been unnecessary for so short a march, and wholly inconsistent with the plan of an expedition, which could only have succeeded by rapidity and surprise.

3rd.—The allowing Ragobah to move with a separate camp, instead of keeping him constantly under the eyes of the Commander-in-Chief, seems to me a capital mistake. In consequence of it the motions of our army were made to depend on those of Ragobah, who kept aloof when he thought fit, and was left at liberty to negociate with the enemy for himself, and, in case of a misfortune, to betray us to them.

For these defeats in the executive part of the plan, I deem the President and Select Committee entirely answerable.

In reviewing the conduct of the expedition,—*1st,* It appears to me that, on the face of the accounts transmitted to us, the only questionable part of Colonel Egerton's conduct, while he continued in the command, is the slow march of the army from Panwel to the other side of the Gauts, by which much time seems to have been lost; yet this makes no part of the President's charge against Colonel Egerton; and if it had, the trial of it should have been immediately by a court martial at Bombay. Nothing but an examination of evidence on the spot could determine whether the delay was unavoidable or not; it is strictly a question of military service, and subject to military jurisdiction.

• *2nd.*—Colonel Egerton resigned the command on the 6th of January. From that time he was no longer answerable, as Commanding Officer, for anything done. In the committee the casting voice vested all power in Mr. Carnac. On the 1st of January, Mr. Carnac speaks of him "as totally overpowered by fatigue and utterly unable to move about." On the 5th of January, Mr. Hornby in a letter to Lieutenant-Colonel Cockburn says: "From the accounts I receive of Colonel Egerton's health, I find I must look even at present to you, to your zeal for the success of our interprize, and to your activity, necessary to ensure that success for the accomplishment of all our hopes in our present undertaking."

3rd.—On the 11th January, Mr. Carnac ordered the army to fall back, when Colonel Cockburn declared he had no doubt of carrying the army to Poona. At that time Mr. Carnac's power was not questioned.

4th.—On the 11th of January Colonel Cockburn's opinion was required by Mr. Carnac, who dissented from it, yet gave no positive order for the retreat.

With respect to Mr. Carnac's powers, it is to be observed that when they were first questioned by Colonel Egerton on occasion of Mr. Mostyn's illness, a decision in support of them was given by the Select Committee at Bombay. Mr. Hornby, in his letter to Mr. Carnac of the 27th December, says "The decision already sent concerning your casting vote can leave no further doubt on that subject. I think it much for the advantage of the service to rely singly on you."

Mr. Carnac himself tells Tookojee that he had the Company's seal and full powers. He gave full powers to Mr. Holmes to settle terms with Madajee Scindia, and he executed the convention as an act of the committee in which, whether Colonel Egerton was consulted or not, Mr. Carnac's voice alone was decisive.

With all these circumstances in view, it remains to be determined whether Mr. Carnac is warranted in affirming that his authority did not extend "to the giving an order to the army to march at all events;" be that as it may, it is certain he gave no order for the retreat after the engagement.

5th.—There could be no disobedience of an order which never was given. But if Mr. Carnac had even deemed his authority competent to the case, he could not have directed the order to Colonel Egerton, who had resigned the command eight days before, and whose continued sickness made it impossible for him to resume it.

6th.—It appears that Colonel Cockburn and Colonel Dagon were called upon for their opinion respecting the practicability of a retreat, and that they agreed in their opinion, yet that of Colonel Cockburn is published alone, and Colonel Dagon's suppressed at Bombay, and withheld from the Governor-General and Council. The mystery of the proceeding can only be cleared up by a public trial on the spot, when Colonel Dagon's evidence may be called for.

7th.—The deputation of Messrs. Farmer and Holmes to the Marathas and the convention are acts of the committee, the necessity of which it is possible—and I think only possible—might be supported by the actual position and circumstances of the army, if we had the means of examining *vivâ voce* evidence to that point. But it is impossible to reconcile those acts to the opinion of those who thought a retreat practicable, and that it ought to be attempted.

8th.—On the return of the army to Bombay, the President exhibits a specific charge jointly against Colonel Egerton and Lieutenant-Colonel Cockburn "for having *refused* to take charge of conducting the army back to Bombay." These terms express a direct disobedience of orders. Were such orders given? To whom were they given? And by whom were they disobeyed? These are questions of fact which can only be decided by a court martial: to decide them in any other manner would in my opinion be equally irregular and unjust.

The charge once exhibited ought to have been followed by an immediate arrest and trial; instead of pursuing that obvious and regular course, the President holds out a menace to the parties that if they will not decline all military duty and submit their case to the determination of the Governor-General

and Council, he will move to suspend them the service—that is, unless two officers of the highest rank in that service, formally accused by himself of the highest military offence, consent to waive their right to a public trial, he will punish them without one: Many painful reflections occur on this proceeding. We see a charge preferred and a trial refused. We see punishment ready to follow accusation, without the intermediate steps, which justice always takes, of enquiry and proof. In short, we see the regular trial evaded, and the cause referred to a tribunal which has no jurisdiction over it, and which if it were otherwise competent, could not try for want of examination of *viva voce* evidence.

From such appearances what conclusion can arise in the minds of indifferent men, but that things have been done which would not bear the public eye, and that a trial is refused in order to conceal them; that a hope was entertained at Bombay of obtaining a decision here which might be guided by other principles than those of justice, and that the sole object of the reference to this Government was to save one party by a sacrifice of the other.

Whether Messrs. Egerton and Cockburn are guilty or not, or in what degree they are guilty, remains to be enquired. If under any influence of menace and authority they really and *bona fide* waived their claim to a court martial, they were very ill-advised. Some allowances, however, should be made for the situation of men so placed under the weight of power and so treated as they were. At all events, they disavowed or retracted their assent to the reference long before it was made and time enough to revert to and claim their original right, a public trial. No conditions tending to deprive them of it should ever have been proposed, much less should such conditions have been extorted from them by menaces.

P. FRANCIS.

MR. FRANCIS.—I now beg leave to submit some propositions, purely to the consideration of the Board, which I came prepared with, and which are conformable to the sentiments expressed in the latter part of my minute—I mean if the Board should approve of them, they should make part of our letter to Bombay.

1st.—That we highly disapprove of the reference made to us to decide on the conduct of Colonel Egerton and Lieutenant-Colonel Cockburn, over whom we have no jurisdiction; and that if we were otherwise competent to try the charge, the want of *vivâ voce* evidence to be examined upon oath, concerning many facts necessary to establish the truth of it, would be an immediate bar to our proceeding.

2nd.—That the formal charge exhibited by the President against Messrs. Egerton and Cockburn "for having *refused* to take charge of conducting the army back to Bombay" ought to have been followed by an immediate arrest and trial. It is a question of fact, which could only be determined on the spot.

3rd.—That to prefer a charge and to refuse a trial is in our judgment a proceeding wholly inconsistant with justice and liable to many dangerous consequences A precedent of this nature, if once permitted to pass without condemnation, tends in the first instance to leave the character and safety of individuals at the mercy of men in power, and ultimately to weaken the hands of the Government itself by destroying that confidence which individuals have been taught to repose in the justice and good faith of Government, and which alone can engage them to act with spirit and vigour in the public service.

4th.—That the menace held out by the President to the officers against whom he himself had delivered a formal charge of disobedience of orders, *viz.*, "that if they would not decline all military duty and submit their cause to our determination he would move to suspend them the service," is in our opinion a high and arbitrary proceeding, and calls for the most public and solemn condemnation from this Board. That the claims of Messrs. Egerton and Cockburn to be tried by a court martial was a claim of right, and accrued to them the moment a specific charge was exhibited against them; that any attempt to induce men, under a public charge, to waive their right to a pulbic trial is

equally inconsistent with the justice and dignity of Government, but that the intention of passing by all trial whatsoever, and of proceeding instantly from accusation to punishment, so plainly expressed in the menace held out by the President, is, in our opinion, highly criminal, and that, as such, we shall think it our duty to represent it to our superiors.

5th.—That admitting that Colonel Egerton and Lieutenant-Colonel Cockburn, whether surprised by the menaces of the President or induced by any other motive whatsoever, had at first submitted to the conditions imposed on them, yet having disavowed or retracted such supposed assent long before the reference to this Board was actually made, the advantage taken thereof was unjust in itself, and not to be reconciled to the fair and open purposes of public justice; that they were in full time to revert to their original right, and that their claim to it ought not to have been denied.

6th.—That we are much concerned that so much time should have been lost by a useless and dilatory reference to us of a question which ought to have been tried upon the spot, where all the parties and witnesses were present, and while the recollection of every particular was fresh in their minds; that, however, the right of Messrs. Egerton and Cockburn to a court martial is not weakened by this delay, and for this reason, as well as because we think that many circumstances relative to the late transaction at Bombay, and necessary for the Company's information, can only be brought to light by a public trial, we are of opinion that a court martial should be immediately ordered for the trial of Messrs. Egerton and Cockburn on the formal charge preferred against them by the President.

Exd.—A. E. deS

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Government of India Central Printing Office.—No 582 F. D.—23-2-89.—500

Proceedings of the Secret Committee, from 8th July to 23rd December 1779.

Secret Dept. Fort William, the 19th July 1779.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, *indisposed.*

The Proceedings of the 8th instant read and approved.

The Governor-General delivers in the following minute:—

Governor-General.—It having been resolved in Secret Consultation, 9th July 1778, "that Raja Cheyt Sing should be required in form to contribute his share of the burthen of the present war with France by the establishment of three regular battalions of sepoys to be raised and maintained at his expense;" and the amount of the subsidy fixed by the Board in Consultation of the 17th August following, and agreed by him to be paid for one year, being five lacks of Muchlidar rupees; as the year is now expired, I move that he be at this time required to contribute the like sum as his share of the expense of the war for the current year.

Agreed to the Governor-General's proposal.

Resolved that the following letter be written to MR. GRAHAM.—

To MR GRAHAM, Resident at Benares.

The period of one year, for which Raja Cheyt Sing contributed the sum of five lacks of Muchlidar rupees as his proportion of the burthen of the present war with France for the last year, being expired, and the war still continuing, we find it necessary to maintain the same force, and to require that the Raja shall bear his share of the expense, you will therefore at this time demand from him payment of the above sum, as his proportion of the charge for the current year, and remit the amount of it to us.

FORT WILLIAM,
The 19th July 1779.

We are, &c.

Agreed that the Governor-General be requested to write to Raja Cheyt Sing, acquainting him that the period of one year, for which he agreed to pay five lacks of Muchlidar rupees as his share of the burthen of the *present* war with France on the 17th August 1778, is expired, and, as the continuation of the war makes it still necessary to maintain the same establishment of troops for the defence of the country, the Board deem it requisite that he should at this time contribute the further sum of five lacks of Muchlidar rupees, as his share of the charge for the current year. Mr. Graham has therefore been directed to apply to him for the same.

Secret Dept. Fort William, the 26th August 1779.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, KT.BT.

Read and approved the Proceedings of the 16th instant.

Read the following letter from MR. THOMAS GRAHAM :—

FROM MR. GRAHAM.

HON'BLE SIR AND SIRS,—Immediately on the receipt of your Hon'ble Board's letter of the 19th ultimo, directing me to demand of Raja Cheyt Sing payment of the sum of five lacks of Muchlidar rupees as his annual proportion of the burthen of the present war with France, I waited upon him, and at the same time that I communicated the orders of your Hon'ble Board to myself I delivered to him the Hon'ble the Governor-General's letter to him in confirmation thereof. He then gave me for answer that he had not the ability to discharge the demand. As this was similar to the answer he gave me when I demanded the payment of his subsidy for the last year, I did not consider it as a definitive one, and therefore continued in renewing my demand every second day. Finding, however, that he holds to the terms of his first reply, and seeing no probability of a speedy change in his sentiments, I am unavoidably reduced to the necessity of applying for your Hon'ble Board's further instructions on this head. Until they arrive I shall follow the orders already sent me by repeating my request for payment every second or third day.

BENARES, *The 16th August 1779.* I have the honour to be, &c.,

THOMAS GRAHAM,

Resident.

Enclosure.

Read a letter from RAJA CHEYT SING as follows :—

FROM RAJA CHEYT SING, received 27th August 1779.

I have been honoured with your letter calling on me for the payment of 5 lacks of rupees on account of the expense of the war for the present year, and understand its contents.

My situation is well known to you, and I assure you without reserve that I have no ability left, nor is there any mode of relief for me but in the exertion of your favour. I am fully convinced that it is your desire who are my master to support me your servant, and last year you directed Sheik Ally Nucky that I should by any means by disposing of my effects, or by borrowing, make this one payment, and I should not be called on in future, and that you would take every means for my advantage and support.

I accordingly put in practice every method in my power and by loans made good the requisition. It is now absolutely out of my power to raise the sum required; and I am therefore hopeful that you will be kindly pleased to excuse me the five lacks now demanded, and that nothing may be demanded of me beyond the amount expressed in the pottah which through your favour I obtained from the Hon'ble English Company.

This Raj and zemindary and my dignity are the gifts of Your Highness. I have judged it necessary to represent to you my inability and helpless state.

Governor-General.—I move that the Commander-in-Chief be desired to issue an order for the march of two battalions of sepoys from the nearest station of the army, excepting the first and temporary brigades, to Benares on the requisition of Mr. Graham, and there to remain for the further orders of the Board. That the whole expense of this detachment from the day of its march be exacted from the Raja of Benares. That this resolution be communicated to him by the Governor-General, and that the Resident be ordered to inform the Raja of it, repeating his demand for the sum required, and in case of his refusal or non-compliance with his demand, to give immediate notice to the Officer in Command of the detachment that he may march accordingly.

Sir Eyre Coote agrees to the motion.

Mr. Wheler.—I am against it.

Mr. Francis.—I never approved the additional demand beyond his stipulated tribute; I cannot therefore concur in the measure proposed. I firmly believe it to be unnecessary, even for its avowed purpose, and I am very much afraid that it will be attended with consequences ruinous to the Raja and to his country. That country is now one of the richest jewels we possess. The great revenue we draw from that country may be permanently secured under mild and equitable treatment; measures of a different nature may extort more for a moment, but they will ruin the future resource.

Mr. Barwell.—It rests with the Raja himself to discharge his quota of the expense of the war voluntarily or to be compelled to it.

I agree to the motion.

Governor-General.—Benares is not a jewel in our possession, if we leave the Raja an option to obey or disobey the orders of his superior's government and to maintain himself in the independency of a tributary prince. As to the ruin portended from this order the terms of the question itself put it in his power to prevent even the execution of the order, and more I shall not at this time say upon the subject. I may hereafter.

Agreed to the Governor-General's motion, and resolved that the Commander-in-Chief be requested to give orders to Major Camac or the Officer-in-Command of his detachment for the march of two battalions of sepoys to Benares on the requisition of Mr. Thomas Graham, the Resident there, and to remain at that place for further orders.

Secret Dept. Fort William, the 29th September 1779.

Wednesday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

EDWARD WHELER, ESQ.

MR. FRANCIS, *indisposed.*

SIR EYRE COOTE *gone to review the army.*

The Proceedings of the 16th instant read and approved.

Mr. Graham, dated 10th, 12th, 16th and 17th September.

Read the following letters from MR. GRAHAM, Resident at Benares:—

HON'BLE SIR AND SIRS,—I had last night the honour of receiving your letter of the 26th ultimo, directing me to repeat the claim which your Hon'ble Board had thought proper to make of Raja Cheyt Sing for five lacks of rupees as his annual proportion of the expense of the present war and empowering

me, in case of his persisting in refusing payment, to require Major Camac, with two battalions of sepoys, to march to this place and to wait your further orders.

Having also received the Hon'ble the Governor-General's Persian letter to the Raja on the subject, I have sent it to him with a letter from myself requiring his immediate compliance with the orders contained therein, and desiring that he would forthwith send person properly qualified to make payment to me of the five lacks of rupees, and, further, to send me a reply to the Governor-General's letter. I shall immediately do myself the honour to address you on the receipt of his answer which I flatter myself will prove satisfactory, and that I shall not be under the necessity of making use of the discretionary power which your Hon'ble Board have been pleased to lodge in me in order to compel him to payment.

BENARES,
The 10th September 1779.

I have the honour to be, &c.,
THOMAS GRAHAM,
Resident.

HON'BLE SIR AND SIRS,—I have this day received an answer from Raja Cheyt Sing to the letter which I informed your Hon'ble Board I had written to him on the 10th, requiring his compliance with your orders, wherein he sends me an answer to the Governor-General's letter, which I have transmitted to him, and acquaints me with his having consented to the payment of the five lacks of rupees. As, however, he still holds forth his original plea of inability, I have every reason to apprehend he will be very dilatory in his payments. I beg therefore to be favoured with your Hon'ble Board's orders as to the conduct which in such case I must observe towards him.

BENARES,
The 12th September 1779.

I have the honour to be, &c.,
THOMAS GRAHAM,
Resident.

HON'BLE SIR AND SIRS,—I have herewith the honour to transmit you twelve bills of exchange for the sum of Calcutta Sicca rupees 1,85,115-6-16-1 drawn in favour of the Hon'ble Company as per accompanying invoice, being on account of Raja Cheyt Sing's kist due the 1th instant and in part payment of his annual tribute.

Although four complete days are now elapsed since I had the honour of informing you of the Raja's having consented to the payment of the five lacks of rupees, and although I sent him a suitable reply to the letter he wrote me on the occasion, and at same time repeated my request for a person being sent to me sufficiently qualified for discharging the amount, no one has yet come, nor has any money been paid me; on the contrary, through his vakeel, he has solicited to be indulged with time but without specifying any period, which leaving room for no other answer than to desire him to conform to the orders he had received from your Hon'ble Board through the channel of the Governor-General, I have sent a person to attend at his Darbar to require his speedy compliance therewith.

BENARES,
The 16th September 1779.

I have the honour to be, &c.,
THOMAS GRAHAM,
Resident.

HON'BLE SIR AND SIRS,—I had the honour of addressing you last night, informing your Hon'ble Board of the steps I had taken towards obtaining payment of the five lacks of rupees from Raja Cheyt Sing. I this day received a

letter from him, of which I beg leave to submit to your consideration the following translate:—

"The situation of my affairs is well known to you, and I have repeatedly represented the particulars to you. The five lacks of rupees on account of a proportion of the expense of the war, conformably to the injunctions of the Hon'ble English Company, I have for this time agreed to pay; neither am I dilatory or inattentive in providing for its discharge, but the amount is considerable and can only be liquidated by degrees within the space of four months. I will pay it to you by instalments. To the end of the month of Zelhedge (corresponding nearly to the middle of the English month of January ensuing) I will complete payment of the whole. What is now preparing in part of the aforesaid sum of five lacks shall be paid to you on Thursday next the 12th of Rumzan. My thoughts are not a moment at rest from this matter. But from incessant applications inconveniences are occasioned to the provision and my endeavours are interrupted. From your indulgence I will discharge the amount in the manner above specified."

I shall be glad to be honoured with your orders on the subject of the foregoing letter. In the interim I considered it consistent with the spirit of those orders already received from your Hon'ble Board to reject the proposition therein contained, and to repeat my demand for payment of the whole without delay.

BENARES,
The 17th September 1779.

I have the honour to be, &c.,

THOMAS GRAHAM,

Resident.

Governor-General.—As it appears by the last of the above letters from Mr. Graham that Raja Cheyt Sing, whose present ability to discharge the full amount of the sum demanded of him cannot be doubted, is endeavouring to amuse our Resident with delays, and as his reply, though it professes an intention of compliance with his claim, is a plain evasion of it, I think Mr. Graham, according to the spirit of the orders he had received, ought to have required the immediate march of Major Camac's detachment to enforce payment from the Raja; but as he has omitted to act in this manner, and as it appears to be his intention to wait for the further orders of the Board, I move that the contents of his letters be imparted to the Commander-in-Chief, and that he be desired to send orders forthwith to Major Camac to march without delay in conformity to his former instructions, giving notice of the day on which he shall move from his present station to Mr. Graham; that the expenses of the detachment from that time until its return may be charged to the Raja; and that Major Camac do continue his route with the two battalions under his Command to Benares, unless Mr. Graham upon the full receipt of the subsidy shall notify to him that there is no necessity for his proceeding.

I further move that letters to the same effect be prepared and despatched to Mr. Graham and Raja Cheyt Sing.

Mr. Wheler.—I object to the above orders.

Resolved that the following letters be written to the Commander-in-Chief and Mr. Graham, and that the Governor-General be likewise desired to write a letter to the same effect to Raja Cheyt Sing:—

To the Commander-in-Chief and to Mr. Graham.

SIRS,—As it is implied by the enclosed copies of letters which we have received from our Resident at Benares, that Raja Cheyt Sing means to protract, if not entirely to evade, payment of the five lacks of rupees required of him as his share of the expenses of the war for the current year, by his distant and illusory promises, although there can be no doubt of his present ability to discharge the demand if he thought proper, we conceive that some effectual means should be taken to compel him to it.

Mr. Graham has not yet required the march of Major Camac's detachment in obedience to the letter of our orders to him. We therefore request that you will issue fresh orders for this detachment to repair forthwith to Benares, and there to wait, according to your former instructions, unless Mr. Graham, in consequence of the full receipt of the subsidy, shall inform the Officer in Command of it that his proceeding is thereby rendered unnecessary. It will be proper likewise to direct that the day of march be notified to Mr. Graham in order to enable him to claim the expenses of the detachment from that time till its return to Dinapore from the Raja.

FORT WILLIAM,
The 29th September 1779.
We are, &c.

To Benares.

SIR,—We have received your letters of the 10th, 12th, 16th, and 17th instant.

As we conceive that the Raja means to amuse you with vague and distant promises and thereby to protract, if not entirely to evade, payment of the sum required as his proportion of the expenses of the war for the current year, we are of opinion that compulsory means should be immediately used to oblige him to discharge it since there can be no doubt of his present ability. We have therefore desired the Commander-in-Chief to issue his orders to Major Camac to march forthwith to Benares with the detachment under his command and there to wait our further orders, unless you in the meantime from the actual receipt of the subsidy shall inform him that it is unnecessary to proceed any further. Major Camac will advice you on what day he shall have marched from Dinapore, and we direct that you insist on the Raja's paying the expenses of the detachment from that time till its return to the same place, exclusive of the subsidy for the war.

FORT WILLIAM,
The 29th September 1779.
We are, &c.

Secret Dept. Fort William, the 1st November 1779.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

RICHARD BARWELL, ESQ.

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, ESQ.

SIR EYRE COOTE *gone to visit the different stations of the army.*

The Proceedings of the 28th ultimo read and approved.

FROM MR. GRAHAM.

HON'BLE SIR AND SIRS,—I have the pleasure to inform you that Raja Cheyt Sing has made good the payment of the subsidy of five lacks, and it is in readiness to be disposed of in such manner as your Hon'ble Board may think proper to direct.

The better to enable me to make the necessary demand of the Raja for the expenses of the detachment I required an estimate from the Officer Commanding, which he having in consequence furnished me with, I enclose a copy thereof, together with a copy of his letter for your Hon'ble Board's information. I have agreeable thereto called upon the Raja for the proportion due to

the present time. I expect his answer to-morrow when I shall have the honour of again addressing you.

BENARES,
The 22nd October 1779.

I have the honour to be, &c.
THOMAS GRAHAM.

Ordered that a copy of the cypher be sent to the Commander-in-Chief, &c.

Agreed that his application to Mr. Graham be confirmed by the following orders :—

To MR. GRAHAM.

SIR,—We have received your letters of the 20th and 22nd ultimo.

Our last orders concerning the disposal of the sum which you have received from Raja Cheyt Sing on account of his subsidy for this year directed the remittance of it to the Chief and Council at Patna, but as we understand that the two battalions of sepoys which marched to Benares will require an advance for their pay and the Commander-in-Chief has applied to you to make an advance for that purpose, you will accordingly comply with his desire and remit the residue which shall remain in your hands of the subsidy, together with the amount which you will demand and receive from the Raja for the expenses of the detachment from the date of its quitting Dinapore until the amount of the five lacks was completely discharged, to Patna agreeably to our former instructions.

FORT WILLIAM,
The 2nd November 1779.

We are, &c.

The following motion of the Governor-General entered in the public consultation of this day having been referred for consideration to this department is now read :—

"*The Governor-General* moves that a warrant in the usual form be granted to Captain Popham to order Courts Martial during the term of his present command."

Mr. Wheler.—I am for referring the question of our power to the Advocate-General, previous to the determination of this point.

Mr. Francis.—If an immediate decision on this point be unavoidable, I think that the opinion of the Advocate-General ought to be previously taken whether in the present circumstances of the Government, which he is as well acquinted as we are, we can safely grant a warrant for holding general Courts Martial or for executing sentence, at the same time it is my wish and opinion that the question should be avoided for the present, and I do not imagine that the service will suffer any material injury for a delay which I hope the Government will not find it necessary to continue very long.

Mr. Barwell.—There appears something so mysterious in the replies given to a common proposition that, before I proceed to give my vote upon it, I beg to be favoured with an explanation of the object to which the doubts suggested lead. For myself I am so totally free from every wish of supporting a constitution not authorized by the laws of my country that I would with pleasure this instant desire those who hold direct commissions from the Company and the servants of the Company to take charge of their affairs. I beg Mr. Wheler and Mr. Francis will explain their meaning. Is it that the Government is dissolved? If it is, I am sure we have no business to sit here, whatever rights may belong to the Governor-General and Sir Eyre Coote under their commissions of the Company.

Mr. Francis.—Mr. Barwell is not accustomed to be guided by any opinions of mine, and, if he were, I am sure that what I have said requires no explanation. I must therefore leave him to determine for himself on the motion before the Board. The situation we are actually placed in must have been created by some unfortunate accident and cannot, I think, continue much longer. In the interval I judge for myself only, when I say that it is my duty not to hazard the safety of the State either by relinquishing my share in the Government

before I know who is authorized to receive it from me, and to whom I ought to surrender it, or by creating any question concerning its lawful authority, or doing any act which may raise such questions in the minds of others. In my mind a prudent and temperate medium may be easily observed. I shall for my own part endeavour to follow that line; and do no doubt of being able to vindicate my conduct if ever it shall be impeached.

Mr. Barwell.—As no explanation has been given, I shall act in the pursuance in which I have met my associates in the Government this day. I have not the least objection. I assent to ask the question proposed by Messrs. Wheler and Francis to the Advocate-General, as the question of Messrs. Wheler and Francis. When I cease to think I am acting under the authority of the laws, it will be time enough for me then to join in such a quære. But this is not the first difficulty, if our records are inspected, to which the exercise of the legal powers of this Government have been exposed, by the manner, in which an opposition to its coercion has been made at the Board. Would it be possible long to keep secret a total imbecility; would not anarchy soon prevail in every department; would the military remain subject to rule if it is known they are freed from all punishment; and how long under such a system would it be possible to preserve these provinces to the nation? I declare that whilst I act as a Councillor of the Government-General I will execute every legal power with which that Government is invested, and, as far as I may be able, preserve to it that authority and respect, without which it must be regarded as totally impotent. I will ratify every decision of a Court Martial which in my judgment is grounded on justice, and as I can never excuse mutiny or desertion, nor allow of a total licentiousness in the troops, I vote for the proposition.

Mr. Francis.—I have not opposed any question to the Advocate-General; I wish, if possible, to avoid the necessity of it. I do not think in the present instance the necessity of granting a warrant to Captain Popham is indispensable, much less is it necessary to publish to the world that there has been any debate at this Board on such a subject.

Governor-General.—I am sorry that there has been a debate at this Board upon such a subject and wish it could be recalled. The motion for the reference to the Advocate-General still subsists, however qualified by Mr. Francis's explanation of his own opinion upon it; since it at length only reduces it to this alternative that the original motion be dismissed, or the question in the terms proposed be referred to the Advocate-General. I can never consent to withdraw the original motion, because a military command without the power of punishment is incompatible in terms. The question proposed to be referred to the Advocate-General which I will here repeat "whether in the present circumstances of this Government we can safely grant a warrant for holding general Courts Martial or for executing sentence" necessarily and inevitably implies another question of such magnitude and danger that I should dread to have it suggested even in the mode by which Mr. Barwell proposes to qualify it. It is whether the members of this Board are legally qualified to exercise the functions vested in them by the Act of Parliament, or whether the Government of these provinces is totally dissolved. The same answer must apply to both questions equally. I will suppose that these questions or either of them have been put to the Advocate-General. I will suppose that in reply the Advocate-General has informed us that we are no legal Government, and that the powers by which we held it are dissolved. Shall we, on the receipt of such a decision to which the reference itself virtually gives an authority superior to our own, relinquish the trust reposed in us and abandon the property of the Company and the interests of the British nation in this country to anarchy? Or shall we continue to hold it by an avowed usurpation? The right implied by the question is so clearly and unequivocally declared by the act, which originally conveyed it, that I will not yield my opinion respecting it to any authority whatever, nor my place in this Government to any power upon earth, but that from which I derive it, or to such hands as that power shall have qualified, or shall qualify to receive it. I adopt and I here declare for myself the resolution expressed by Mr. Barwell that whilst I retain my present station I will execute every legal power with which this Government is invested, and,

as far as I may be able, preserve to it that authority and respect, without which it must be regarded as totally impotent, and I will ratify every decision of a Court Martial which in my judgment is grounded on justice even to the sentence of death.

I differ from Mr. Francis in the opinion that some unfortunate accident has interrupted our despatches, and believe that none have been sent to us, but such as we may expect to be now on their way, since we have intelligence amounting almost to a certainty that to the end of the month of March, and I will trust to later advices which reach as far as the 20th of April, that at these periods no change had been made or projected for this Government, nor any provision for the supposed expiration of it, and for the same reason I think we may safely conclude that none will have been made of which we can be advised for many months to come. I think this the strongest argument, if the subject required the support of argument, in proof of the validity of our actual powers, by the construction which our constituents themselves have thus evidently shown that they entertain of it.

Mr. Francis.—My resolution to continue to hold and exercise the general powers of the Government until a new commission shall arrive is not less determined than that of the Governor-General and Mr. Barwell. In one single act of Government, the only one by which irretrievable wrong might be done, considering that it affects life and death, two members of the Board have expressed a scruple, which I think might have been treated with greater moderation and indulgence. The motion ascribed to me is part of an opinion delivered on a question before the Board. If I had intended it for a formal question, I should perhaps have weighed my terms with greater caution; the scruple implied by it remains still upon my mind, but as it is a point of very great importance I shall take a little longer time to consider what course it may be proper to pursue in order to obtain the satisfaction I wish for; as the Governor-General himself is so clear upon the general question of right, I should think that he can have no reason to apprehend that the Advocate-General's opinion, in whatever shape it might be taken, would determine that we were no legal Government.

Agreed that a warrant be granted in the usual form to Captain Popham, empowering him to assemble general Court Martial during his present command.

583 F. D.—29.

Government of India Central Printing Office.—No. 583 F. D.—11-2-85.—500.

Proceedings of the Secret Select Committee from 19th to 29th June 1780.

Secret Dept., Fort William, the 19th June 1780.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUT.-GENL. SIR EYRE COOTE absent on a visit to the different stations of the army.

Read and approved the Proceedings of the 12th instant.

MESSRS. FRANCIS and WHELER having delivered in the minute which follows on the 15th instant, it was immediately sent to the Governor-General.

Messrs Francis and Wheler, dated 15th June.

Minute from Mr. Francis and Mr. Wheler.

Convinced as we are of the indispensable necessity of bringing the present war if possible to a speedy conclusion, we shall heartily join the support of every measure which appears to have peace for its object, and which carries with it any reasonable prospect of success. On this principle we agree with the Governor-General that it may be advisable to avail ourselves of the favourable disposition of the Berar Government, and to invite the Raja's Diwan to come for that purpose to Calcutta. The motives assigned for his late conduct and for the march of a body of his troops to Cuttar are plausible at least, and appear to be confirmed by the delays with which it has been attended, and by their present inactivity. The desire he proposes of becoming the mediator of peace between us and the Mahrattas seems likely to be sincere, because we believe it to be founded in the consideration of his own interest, and because it it is conformable to the language which he has uniformly held to us. We do not mean to say that evidence of this nature is to be implicitly depended on, but it is now so essentially our interest to secure the friendship of Moodajee Boosla, or at least to prevent his acting against us, that we should think it imprudent to discover any doubt of his sincerity. It cannot be very difficult to maintain the appearances of the most perfect confidence in his good faith without suffering it to mislead us as neglecting any of those precautions which our situation dictates, and which are never more necessary perhaps than in the midst of security.

We therefore agree with the Governor-General in this part of his minute. But we find with extreme concern that it is impossible for us to give our assent to the subsequent proposition: the reasons for which we object to it shall be stated briefly without reviving former arguments, or reflecting on anything that is past.

Taking our situation as it stands, we declare it to be our most deliberate opinion that a peace is indispensably necessary to save the India Company, and every interest connected with theirs from the greatest distress, if not certain ruin; and that at whatever distance this object may be, it is not practicable for us to continue the war on any terms without a very considerable reduction in the expense of conducting it. In the former of these opinions we have never varied; in the latter we are assured of the Governor-General's concurrence: on this general ground we object to the proposed measure.

584 F. D.

Paragraph 1.—Because it reverses a resolution very lately past, with the unanimous approbation of the Board, for recalling and reducing Captain Popham's detachment; the extra expense of which beyond our regular establishment amounting to current rupees 91,332 a month would be saved, and their place supplied by four regular battalions.

Paragraph 2.—Because by the proposed plan of operation the subsidy to be paid by the Rana of Ghode, and of which we believe no part has been hitherto received, is to cease, and our resources so far diminished.

Paragraph 3.—Because at a time when it is admitted that the war cannot be continued without a very considerable reduction of expense, we cannot consistently with that principle engage in a measure which supposes the contrary to be true; and which in our judgment leads to an additional expense which we cannot limit when once it is begun, and which we are very sure this Government cannot support. We have seen into what enormous charges we have been drawn by the detachment under General Goddard, the strength of which does not exceed that proposed to be placed under Major Camac. We have seen the expense of a detachment of only two thousand draughts under Captain Popham swelled to more than ninety-one thousand rupees a month, and we firmly believe it to be an evil inseparable from distant military operations in this country that the charge of them can neither be limited nor controlled. We do not mean to dispute the propriety of the Governor's personal confidence in Major Camac; but in our minds such implicit confidence cannot exist without experience, much less in opposition to that with which the conduct of similar expeditions has already furnished us. In this observation we allude only to the expense that attends them.

Paragraph 4.—Because the proposed anticipation of the demand of 5 lacks from the Raja of Benares, and the sole appropriation of it to this service, is no relief of expense or increase of revenue, since the above five lacks make part of our general estimate of resources for the service of the current year; and if applied to any service not provided for in the same estimate, will leave a deficiency which must be made good out of some other fund.

Paragraph 5.—Because it appears to us that the state of our treasury is not in any degree equal to the existing and increasing demands which press upon this Government.

The apparent balance on Monday last, including the deposit in the new Fort (without which we should consider ourselves as totally unprovided for measures of immediate defence if such should become necessary), amounted to no more than current rupees 42,09,453, deduct the deposit in the new fort and let the account be stated as it will then stand and as it ought to stand.

Cr.		*Dr.*	
Remainder after deducting the sum in the new fort . . .	6,13,453	Deposits of private property .	14,87,958
		Amount of orders unpaid .	20,86,949
Balance or actual debt against the treasury	31,35,453	Bills drawn by General Goddard, unpaid . . .	1,73,999
	37,48,906		37,48,906

This view of our situation undoubtedly leads to other important conclusions. That to which we mean to confine it at present is, that we are in no condition to undertake new expenses; nor if our treasury were better supplied than it is, should we think it prudent to expose ourselves to the demands of another expedition, in the plan of which we see no essential difference from that which still exists under General Goddard.

Paragraph 6.—Because admitting that all the preceding objections on the head of expense could be answered or removed, we are not satisfied that the plan itself would either end where it professes to be directed, or that this is the season in which it ought to be attempted on its own avowed principles. The declared purpose of the expedition is to invade Madjee Scindia's country, and to attack his capital, Ugein, in order to divert him from the war in Guzerat to the

defence of his own territories. We understand and admit the force of this argument, though in our judgment over-balanced by other considerations, independent of which we should only object to the time chosen for the expedition, and to the unnecessary charge of keeping up Captain Popham's detachment. If it be meant to withdraw Madjee Scindia from the war in Guzerat, and to distract his force and attention from that country to his own, it seems to us that the attempt should be made as soon as possible after October, when General Goddard might be at liberty to co-operate with it, and to favor its success, by a similar diversion on his side, not in the midst of the rains, when General Goddard's army is in cantonments and unable to take the field. The manifest advantage of having the two armies acting in concert, and dividing the attention of the enemy between them, would be lost, if they were not both in the field at the same time. But this and every other objection to the measure is in fact removed by the instructions which immediately follow it, and which in our opinion are wholly inconsistent with the first proposed object. Major Camac is to be entrusted with a "discretionary power to remove the force which the Mahratta Government possesses in Calpee and Bundlecund (and which is said to be the only obstacle to the main design) by any means either by negociation or force. If it be true as we are sure it is, that the Mahratta power in that country is not very considerable and that they who possess it are disaffected to the government on which they depend, such a power can form no obstacle to the execution of the main design, nor can we ever admit of the validity of such a pretence for invading Bundlecund, which we conclude would be the first if not the only effect of the expedition. At all events the latitude given to Major Camac leaves him at liberty to pursue whatever plan he thinks proper; but if instead of proceeding towards Madjee Scindia, the march of this detachment should, once be directed by the opposite route to the capital of Bundlecund, he will naturally conclude that the possession of this country is our true and only object; of course he will have no apprehension for the safety of his own.

For these reasons we are of opinion that the resolution of the Board of the 29th of May for the recall and reduction of Captain Popham's detachment, &c., should not be suspended.

(Sd.) PHILIP FRANCIS.

(Sd.) EDWARD WHEELER.

Secret Dept., Fort William, the 22nd June 1780.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, ESQ.

LIEUT.-GENL. SIR EYRE COOTE absent on a visit to the different stations of the army.

Read and approved the proceedings of the 19th instant.

GOVERNOR-GENERAL—The period of two years for each of which the Raja of Benares at the requisition of the Board has contributed the sum of 5 lacks Muchlidar rupees as his proportion of the burthen of the war with France being nearly expired, and that war still continuing, I move that he be now called upon to contribute the like sum as his share of the expense of it for the current year.

Agreed to the Governor-General's motion.

TRANSLATE.

Copy of a letter under the seal and signature in English to MR. MIDDLETON, dated the 17th Shahbaun in the year of the Hijri 1191, to the NABOBS MIRZA ALLY KHAN and SALAR JUNG.

There having been great necessity for money to the Sircar, the Nabob Vizier was obliged to take from you the sum of 1½ lack of rupees. This will not be done again, but when the Nabob shall be relieved from his distresses, he will return it, to which he has agreed before me, and do you not any way doubt or discredit this. In case you are desirous of my testimony I am acquainted with this, and I will be ready to support with my endeavors and influence the fulfilling of the engagement on the part of His Excellency the Vizier, and be you perfectly satisfied of this.

TRANSLATE.

Copy of a letter of the NABOB VIZIER to the NABOBS MIRZA ALLY KHAN BEHADRE and SALAR JUNG BEHADRE, his uncles.

I have taken from you in the Fussulee year 1185 1½ lack of rupees to relieve my distresses. This shall not be done in future, and it shall be returned when my affairs will permit of it.

TRANSLATE.

Copy of an engagement under the seal and signature in English of MR. JOHN BRISTOW, dated the 19th Shahbaun in the year 1189 of the Hijri, as follows:

I write these lines by way of an engagement on the part of the English Company and the English Heads or Chiefs. On this account that the Nabob Assuf-ul-Dowla Behadre having received from his mother the sum of 30 lacks of rupees for the present year, and 26 lacks for his old debt, comprising the following articles, ready money and goods, jewelry, elephants and camels, &c., has passed a farcuttee or acquittance which is binding (or sunnud), and upon this acquittance I have placed my seal, that is to say on the part of the Company and the Chiefs of the English; and the Nabob Assuf-ul-Dowla shall not oppose the Begum's possession of the jagheers and gunges and kulledangs (or meat markets) and gardens, and mints of Owd and Fyzabad, &c., which the Nabob Shujah-ul-Dowla gave to her in his lifetime, and the Nabob Assuf-ul-Dowla shall not obstruct her possession during her life, and the Begum shall settle the accounts of her own jagheers with her own people. In this the Heads or Chiefs of the English are engaged. No one shall oppose it. And whenever the Begum shall desire to go to Mecca, no one shall oppose it, and the Nabob shall have no demand upon any of the ladies or attendants of the zennana; the Begum has the authority over her own people. Whatever she pleases she shall do with them, and whenever the Begum shall go to Mecca she shall deliver the jagheers to the charge of whomever she pleases; no one shall oppose this. In this the Heads or Chiefs of the English are engaged.

Particulars of the ancients, jagheers and gunges, &c., dependencies with Mhal and Syher and villages belonging to the Begum.

Salloon.
Dewah.
Persuddehpore.
Anteh.
Sumrotah.
Havelly Goructpore.
Tellooy.
Janis with Audaulut and Syher.
Gowrah.
Taundah.
Nawabjunge and villages on the other side of the Gogra.
Kulledang or meat markets of the whole Subah.
Mints of Owd and Fyzabad.
Begum Gunge and Golah Gaut.
Vizier Gunge.
Baug Hurry Singh Owd with land.
Ash Baug in Lucknow.
Roza Gaut in Lucknow.
Begum Barry with the bazar.
Baug Barramall.
Ishmail Gunge in Lucknow.

Ishmail Gunge with the villages, 3 coss from Lucknow.

TRANSLATE.

Copy of an engagement under the seal of the NABOB ASSUF-UL-DOWLA and under the seals of MR. JOHN BRISTOW and MORTUZA KHAN, and the English signature dated the 19th of Shahbaun in the year 1189 of the Hijri.

I, Assuf-ul-Dowla Behadre, pass my agreement and writing that I have received from my mother 30 lacks of rupees for the present year, and 26 lacks for my old debt, consisting of the following articles in ready money and goods and jewelry and elephants and camels, &c., and I have now no demand whatever. I have received this money through the mediation of the English, and I have no further claim, and I agree to leave unmolested the jagheers and gunges and kulledangs (or meat markets) and gardens and mints of Owd and Fyzabad, &c., which my father in his life-time gave to my mother, and will not oppose her possession of them as long as she shall live; and she shall settle the accounts of her own jagheers, &c., with her own people; and whenever the Bow Begum (the wife of the Nabob Shujah-ul-Dowla) shall choose to go to Mecca she has authority to give them to whomever she may please. I will not oppose this. Whether she shall stay here or go to Mecca, the jagheers, &c., shall be in the possession of my mother. I will on no account oppose it, and to whomsoever she may be pleased to deliver the charge of them I will give my support and assistance; and whenever she shall please to go to Mecca, she shall take what attendants she pleases, together with her money and effects, and I will not oppose it; and I will not demand anything whatever from the Cojas Jewan Ally Khan, Bahr Ally Khan, Shagoon Ally Khan, and the women tavildars, or cash-keepers; whatever the Begum shall please to do, let her do: she is her own mistress; and I call upon God and Mahmud and the 12 saints and the 14 angels and the Heads or Chiefs of the English as witnesses, and in future I will not demand any loans from the Begum my mother. I have no claim whatever and will not deviate from this agreement, and if I deviate from it I shall forfeit my engagement to the Heads or Chiefs of the English and the Company. On this account I have written the above lines as an engagement, which is at present binding.

Particulars of the jagheers, mahl, and syhers and dehauts or villages belonging to the jagheers and gunges.

Salloon.
Haut Dewah.
Persuddepore.
Anteh.
Sumrotah.
Havelly Goruckpore.
Tellooy.
Javis with Audaulut and Syher.
Toundah.
Nabob Gunge and villages on the other side of the Gogra.
Ishmail Gunge and Dehauts three coss from Lucknow.
Ishmail Gunge in Lucknow.
Kulledang or meat markets of the whole Subah.
Mints of Owd and Fyzabad.
Begum Gunge and Golah Gaut.
Vizier Gunge.
Baug Hurry Sing in Owd, 3 gardens.
Ash Baug in Lucknow.
Cusba Gaut in Lucknow.
Begum Barry, with the bazar.
Baug Burramull.
Gowrah.

TRANSLATE.

Copy of an engagement under the seal of the NABOB ASSUF-UL-DOWLA BEHADRE, and of MR. JOHN BRISTOW with his signature in English, dated the 28th of Jummad-ul-Owal in the year of the Hijri 1190.

I, Assuf-ul-Dowla Behadre, have on the 19th of Shabaun in the year 1189 Hijri, according to my agreement, received the sum of 30 lacks of rupees for the present year, and 26 lacks of rupees on account of my old debt, consisting of the following articles—ready money and goods, jewelry and elephants and camels, &c., which have been settled with the Begum, my mother, through the

mediation of the Heads or the Chiefs of the English, as my inheritance from the late Nabob Shujah-ul-Dowla, my father, and have passed an acquittance in full of all demands to the Begum, my mother, on account of her jagheers, gunges, kulledangs (or meat-markets), gardens, mints of Owd and Fyzabad, &c., which the late Nabob in his life gave to her. According to this I agree, and give in writing that, agreeable to the aforementioned engagement, I have myself received the full amount of their claim, in ready money and goods from the Begum my mother. I have now no demand whatever upon my mother, and on no account will I oppose the Begum's possession of the jagheers, &c., belonging to her, which are included in the engagement and specified in the particular list. And I engage in this, God, Mahmud and the English Chiefs. I have wrote these lines as a receipt and acquittance which shall be in force now, and if occasion requires be made use of.

Particulars of the jagheers, with the mahl, and syher and dependent villages, mahls and gunges, &c. :—

Salloon.
Dewah.
Persuddepore.
Anteh.
Sumrotah.
Havelly Goruckpore.
Tellooy.
Javis with the Audaulut and Syher.
Gowrah.
Toundah.
Nabob Gunge, with the villages on the other side of the Gogra.
Ishmail Gunge, with the villages, 3 coss from Lucknow.
Ishmail Gunge in Lucknow.
Kulledang or meat-markets of the whole Subah.
Mints of Owd and Fyzabad.
Begum Gunge and Golah Gaut.
Vizier Gunge.
Baug Hurry Sing in Owd.
Ash Baug in Lucknow.
Rozah Gaut in Lucknow.
Begum Barry with the Bazar.
Baug Baramul.

TRANSLATE.

Copy of an agreement under the seal and signature of MR. MIDDLETON, to all the particulars of which he engages to procure a treaty from the NABOB ASSUF-UL-DOWLA after his arrival, and that he will also sign and seal it as follows :—

1.—That whenever the Begum shall choose to go to Mecca she shall be permitted to go.

2.—That when the Nabob shall arrive I, (Mr. Middleton) will procure suitable allowances to be made to the ladies of the zenana and the late Nabob Shujah-ul-Dowla and take care that they are paid.

3.—That the festivals (shaddee) and marriages of the children of the late Nabob Shujah-ul-Dowla shall be at the disposal of the Begum; whenever she thinks proper she shall marry them, and if the Begum shall go, she shall have the authority to appoint and settle their marriages, and whatever money shall be necessary for these expenses shall be paid by the Nabob.

4.—That the Syher of Coda Gunge and Ally Gunge shall be retained by the Begum as heretofore.

5.—That I (Mr. Middleton) will, upon the arrival of the Nabob, procure Vizier Gunge and the garden of Sepoy Daud Khan, or their equivalent, for the Begum.

6.—That I (Mr. Middleton) will endeavour to obtain from the Nabob the sum of R1,15,000 on account of the purchase of Metchu Bohaun, and the house of Sahebjee, and the fort of the Gossyne, with the land and garden and the Barraderry on the banks of the Goomty, and bazar and garden of the house of Mahnarain, and the house of Beny Persaud at Lucknow, all of which the Nabob Assuf-ul-Dowlah has assumed possession of.

7.—That I will settle with the Nabob the allowances to be made in ready money to the ladies of zenana and others specified in the following account:—

	Per month. R
To the ladies of the zenana	13,650
To Meer Hussein Ally Khan Behadre	2,000
To Ashmed Ally Khaun	400
To the doctors	1,000
To Mahmud Javaid	140
To Molavie Madjeid	60
	17,250

8.—Upon the arrival of the Nabob Assuf-ul-Dowla Behadre, I will endeavour with all my influence to settle the monthly allowances of Mahrum Ally Khan and Mahmud Ottafaul Khan, &c., the attendants of the Begum.

9.—If the Begum shall go to Mecca, she shall leave her mahls and jagheers to the Begum, the mother of Assuf-ul-Dowla, who shall remit the revenues thereof to the Burree Begum. No one shall prevent her enjoying her jagheers.

TRANSLATE.

Copy of an engagement under the seal of the NABOB ASSUF-UL-DOWLA and under the seal and signature in English of MR. MIDDLETON as follows:—

1.—I, who am the Nabob Assuf-ul-Dowla Behadre, do agree that the jagheers and gunges, and monthly allowance of the officers and servants, and of the ladies of the zenana, and of those specified in the account annexed, shall be at the disposal and under the management and authority of the Begum, and no one shall oppose or prevent it. This I will punctually observe. In this agreement Mr. Middleton and the English are engaged.

2.—Whenever the Begum may choose to go to Mecca, I will not oppose it.

3.—Whenever the Begum shall go to Mecca, she shall leave her lands, jagheers, &c., either in the care of my mother or of me, and I will procure bills for the amount of their revenues and send them to her. No one shall oppose this.

4.—The Begum shall have authority over all the ladies of her zenana; she shall let them remain with me, and not allow them to go any where without my permission or keep them with her.

5.—The jagheers Khoda Gunge, Ally Gunge, &c., with the mahl and syher belonging to the Begum, and made over to her, shall remain as heretofore in her possession.

Particulars of the salaries allowed—

	Per month. R
Allowances to the family of Boorhaun-ul-Mulk	10,000
Allowance to Meer Hussein Ally Khaun	2,000
Ditto to Ahmed Ally Khaun	400
Ditto to doctors	1,000
Ditto to Molavie Mudjeed	60
	13,460

6.—I have passed a bond payable in six months for R1,15,000 for the price of houses, &c., and, God willing, I will pay the amount when it shall become due.

7.—I have bought Vizier Gunge, and the garden of Sepoy Daud Khan, in Allahabad, of the Begum for ₨10,000, and, God willing, I will pay the amount in six months.

8.—The Begum has authority over the ladies and attendants of zenana; neither myself nor any one else will oppose it.

9.—The Begum (my grandmother) shall have the authority in all festivals, and in the marriages of the children of the late Nabob Shujah-ul-Dowla, and with the consent of my mother and myself, shall regulate them; excepting in the festivals (shadee), the authority is mine.

The English are guarantees to the above engagements as long as the Begum shall exist.

Secret Dept., Fort William, the 26th June 1780.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUT.-GENL. SIR EYRE COOTE, absent on a visit to the different stations of the army.

Read and approved the Proceedings of the 22nd instant.

The Governor-General lays before the Board the following minute—

Governor-General.

GOVERNOR-GENERAL,—Two minutes have been lately delivered by Messrs. Francis and Wheler, bearing their joint signatures, in answer to propositions made by me to the Board.

It is not my intention to follow these minutes through every assertion of facts and every deduction of argument. I shall only reply to such points as have a relation to my present purpose, which is still to insist on the necessity of carrying the war into the districts appertaining to Mahdajee Scindia, and to this I entreat the Board to give me their attention.

Except the article of expense, I can scarcely collect the objections made to it.

It never was my intention to employ Major Camac in an invasion of Bundlecund, nor suffer, if it were attempted on the grounds of his instructions, such a waste of the time required for the first and essential object of his operations.

The ends proposed by this expedition are two immediate—1st, To divide the Maratta strength and divert it from General Goddard; 2nd, To make the principal agent of the war the principal sufferers by it; and one ultimately, peace. To this it is objected that "the manifest advantage of having two armies acting in concert, and dividing the attention of the enemy between them, would be lost, if they were not both in the field at the same time." This is by no means a fair conclusion, because it supposes the enemy to keep the field, and our principal army to be inactive. The reverse is the most probable; and my purpose will be equally answered, whether both remain in quarters, and Major Camac be suffered to prosecute the plan assigned him without opposition, or whether the whole force of the enemy be directed against him, and General Goddard left at liberty to act in the prosecution of his. The rainy season is no impediment to our troops, but a great one to the Mahratta, which consist only of cavalry; and if the measure which I have proposed be even now agreed to, I should hope to bound it with that season, or to effect every material purpose of it within the rains.

The design of the proposed instructions to Major Camac has been misunderstood, and the intended sense of it inverted; it is not meant "to give Major Camac a latitude to carry the Company's army *wherever he thinks proper*, but to order him to carry the Company's army to a prescribed scene of action *unless he thinks it improper*.

The objection made to the expense is a material one, but a vigorous assertion cannot be made without expense, nor can the war either be concluded honorably or prosecuted successfully without such an exertion. Feeble measures and advances for peace will but add to the strength and presumption of our adversaries, discourage our friends, and perhaps induce them to become parties against us. The resources of this Government, exhausted as they are, and withheld from it by its internal imbecility, are yet equal to every probable contingency of the present war, if it is conducted on a consistent plan, and that not varied by desultory votes of Council on every measure required for its prosecution. I must here take notice that the expense of Captain Popham's detachment has been greatly over-rated. It is asserted that the expense for a detachment of only 2,000 drafts under Captain Popham has been swelled to more than 91,000 rupees a month, and in another place this sum is stated as a fixed amount. The truth is that the expense of this detachment has exceeded its due bounds, yet not in the degree imputed to it, which would be indeed enormous. The detachment besides the 2,000 drafts (they are in fact 2,100) consists of Artillery and Cavalry. The monthly expense of the whole was on a medium about 82,000 rupees. Of this sum—

	R
The Cavalry alone produce	12,811
and the Artillery	8,300
making both together	21,181

and this sum deducted from the total, leaves 61,000 rupees for the drafts, including the staff and the contingencies of 4 battalions into which they were formed, though their number was equal only to three.

The part which this Government has hitherto borne in the war is mine, and has been made exclusively mine, the other members having repeatedly disclaimed their share in the responsibility attending it. It is hard that while they load me with the weight of such a charge, they should bind my hands and deny me the means of supporting it.

If Mr. Francis (I am compelled to speak thus plainly) thinks that he can better and more effectually conduct the war, to the termination which we both profess to aim at; and that he can in honor deprive me of the right, which I claim, to dictate the means of accomplishing it, let him avowedly take the lead; but if I am to be charged with the consequences of it, or if the right which I claim be justly mine, let him allow me to possess and exercise it. It is impossible to combine the principles of enterprise and inaction in the same general measure; and as impossible for his sentiments and mine to be brought into agreement on the subject of the Mahratta War. I have in vain laboured to accommodate them by a studied attention to his opinions in every measure which I have ventured to propose in the course of the last 15 months, and have restrained myself from urging others which, however proper and necessary for the occasion exclusively considered, were inconsistent with the actual state and temper of this Government.

I now revert to my proposition and request the Board to reconsider their objections to the instructions which I have proposed to be given to Major Camac. I have not the presumption to expect that they will be influenced by any reasonings which I have used, having had too much experience of the insufficiency of official argument to overcome a decided, and much less, a confederate opposition; but as the expense which will attend the measure, which I have recommended, is the only formal objection made to it, I hope I may be allowed to remove it by offering to exonerate the Company from it, and to take

it upon myself. That this proposition may not be misunderstood, and that I may not bind myself by engagements which may exceed my power to fulfil them, I will explain myself. The regular pay and batta of the troops which are to form Major Camac's detachment constitute no part of the expense of it since these would be the same in their amount although the battalions remained in the original quarters. Neither ought the suspension of the subsidy to be charged to the expedition since it is probable, and I regard it as certain, that the Rana having no further call for our aid within his country for the sole defence of it, will be glad to be relieved from the expense attending it, and because it is proposed in the last of the minutes of Messrs. Francis and Wheler to withdraw it. The contingencies of the detachment are therefore the only expense that can be reasonably charged to the expedition. These I rate far below two lacks of rupees. That sum I offer to contribute to this disbursement. I have already deposited it within a small amount in the hands of the Sub-Treasurer, and I beg that the Board will permit it to be accepted for that service.

(Sd.) W. H.

Ordered that the foregoing minute lie for consideration.

Secret Dept., Fort William, the 29th June 1780.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUT.-GENL. SIR EYRE COOTE absent on a visit to the different stations of the army.

Read and approved the Proceedings of the 26th instant.

The minute which follows having been sent to the Secretary on the 27th instant, it was immediately forwarded to the Governor-General.

Messrs. Francis and Wheler. Minute from Messrs. Francis and Wheler, the 27th June 1780.

After an attentive consideration of the Governor-General's minute delivered into the Board yesterday, we adhere to the reasons which have induced us to withhold our consent to the proposed expedition into Malwa. To this for the present we shall only add the following short remarks, in reply to some assertions in the Governor-General's minute, which appear to us to be gratuitous.

1.—The actual expense of Captain Popham's detachment for the months of November, December, and January last is stated by the Commissary-General at current rupees 2,73,996—*vide* his letter recorded on the 1st of May, and we have no reason to think that the expense has decreased since the detachment has been on service.

2.—We know not to what passage in either of our minutes the Governor-General alludes when he says "that it is proposed in the last of the minutes of Messrs. Francis and Wheler to withdraw the aid granted to the Rana of Gohud." Notwithstanding our original disapprobation of the Treaty, and though none of the good effects which were promised from it appear to us to have been accomplished, we have not proposed to depart from the condition by which this Government has been bound to the Rana. All we insist on is that the subsidy should be paid. The Governor-General has not informed us whether any part of it has been discharged.

3.—It is said that the rainy season is no impediment to our troops, though a great one to the Mahrattas. The same opinion was insisted on at the time when Colonel Leslie marched; and when the Governor's confidence in him was not inferior to that which he now reposes in Major Camac, and which we do not mean to say was ill-founded. But Colonel Leslie's letters contained repeated declarations of the impossibility of marching amidst the torrents of rain with which the country was deluged.

On this point our conviction remains unaltered. They who have not seen the rains of India can have no idea of their violence, nor how entirely the whole surface of the country is changed by them.

In a few days we mean to record our sentiments more at large on the remainder of the Governor's minute, and on the general situation of this Government. We could have wished indeed that the Governor's plan had been more completely before us than it is, that we might have been able to compare the whole of the objects with the whole of the means. Peace he declares is his ultimate object, but he has not given us even a general idea of the terms on which he would make it; he has not intimated to us what would be the final extent of his demands on the Mahrattas, or what concessions he would make to them. Before this point is fixed we have no solid basis, either for action or deliberation. The first may be indefinite and unconnected as it hitherto has been; the second must be guided from day to day by events. In this uncertainty we cannot presume to decide whether his object be or be not attainable; but we promise to enter into the consideration of it with the utmost candor and with all the attention that such a subject deserves when it is laid before us.

(Sd.) PHILIP FRANCIS.

(Sd.) EDWARD WHELER.

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Proceedings of the Secret Select Committee from 13th July to 25th September 1780.

Fort William, the 13th July 1780.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

EDWARD WHEELER, ESQ.

P. FRANCIS, ESQ., indisposed.

LIEUTENANT-GENERAL SIR EYRE COOTE, absent on a visit to the different stations of the Army

Read and approved the Proceedings of the 29th ultimo.

The Secretary begs leave to lay before the Board the following minute from MESSRS. FRANCIS and WHEELER delivered to him on Tuesday the 4th instant, which he immediately circulated to the Governor-General.

Messrs. Francis and Wheler's minute, the 29th June 1780

In our minute of the 27th, we meant only to give an immediate answer to the proposition before us. We shall now enter more particularly into the reasonings and assertions, with which it was introduced. The terms and tendency of the Governor-General's minute make this task, however painful it may be, essentially necessary for the information of those, who are to judge of our conduct, and of course, to our own reputation and safety.

The Governor-General says, that "except the article of expense, he can scarcely collect the objections made to the measure," and again, that the expense is the only formal objection "made to it." Yet some pains are taken to answer another, which attacks the measure on its own principles, and which undoubtedly must have been felt by the Governor-General, or he would not have attempted to remove it, by supposing a fact so material to the question, as that our principal army is not in cantonments and inactive, and that it must not continue so to the end of the rains. The truth is, that General Goddard's army, or the major part of it, is actually in cantonments at Surat, and we hear that he himself is at Bombay. Last year he did not take the field till December. Perhaps he might now move a month sooner; but we are satisfied, as well by his own letters, as by every information we have been able to obtain, that it is impossible for him to act before November. That the rains would be no impediment to our infantry, incumbered with baggage, tents, stores, ammunition and a train of artillery; but that it would be a great one to a body of Mahratta cavalry, seems to us a most extraordinary proposition. Hitherto it has been contradicted by experience and we find no arguments advanced to support it. If one of the objects of the expedition be to divide the Mahratta strength and to divert it from General Goddard, it is essential to that object that General Goddard's army should be at the same time in the field, otherwise the Mahratta force is not divided, nor can there be diversion on one side, unless some operations exist on the other, in favor of which the diversion is to be made. But we say that General Goddard's army is in cantonments, and must remain inactive till November, consequently the undivided force and attention of the Mahrattas, if they think it necessary, may be turned entirely to Major Camac.

The second object is said to be, to make Mahadajee Scindia, "the principal agent of the war, the principal sufferer by it." Hitherto we have been told, that Nana Furneess was the Chief, most attached to the French interest, and most hostile to ours, and that Scindia was disposed to cultivate our friendship; and it must be confessed he gave us a proof of it, which ought not to be forgotten, when he suffered the Bombay Army to retire from Wurgaum. Admitting, nevertheless, that we ought now to consider Scindia as our principal opponent, it does not follow that this expedition, in the way it is planned, will

be the cause of much distress to him, if any. In our opinion, *we* are much more likely to suffer by it, than he is. If every material purpose of it is to be effected within the rains, what can they be but to make a hasty incursion into his country, to plunder it, and to leave it? If General Goddard were in motion at the same time, we see a possibility, in speculation at least, that Scindia might be distracted between them, and prevented from turning his whole force, or the principal part of it, to the defence of his dominions. As this is not the case, Major Camac must act without the support of a diversion on the other side against whatever force Scindia may think fit to bring against him. They, who are unacquainted with the geography of India, can know nothing even of the distance from our frontier to Ujain, the capital of Malwa, much less of the difficulties that are likely to attend such a march. The distance, however, is evidently so great, that, in case of a check, we see no likelihood of securing a retreat. But if, whether with or without an immediate repulse, the retreat of the detachment should be cut off, we know what the consequence must be. Another body of troops will be called for, and the necessity of sending them insisted on to support the first measure, or to disengage us from the effects of it. No man can say to what distress and difficulties a series of such steps may finally lead us. It may happen, that while we are stripping Bengal of the Force which ought to be reserved for its defence, while we are sending our best troops and our best officers on these distant expeditions, these provinces may be invaded from different quarters, and our establishment hazarded, where it ought to be our principal care to render it secure. In our opinion, nothing essential to the interests of the Company and of the nation in India can be lost, as long as Bengal is safe; but if this country should once be in danger, or if, by the loss or waste of its resources, it should no longer be able to support itself, and to return a regular tribute to Great Britain, no conquests or acquisitions in any other part of India will ever compensate in the smallest degree for the distress to which Bengal may be reduced, and for the consequences that must attend it at home. The supposition of such a case will not appear wild or unwarrantable to those who have a perfect view of our situation. We are much afraid that it is little known and less understood in England.

The war with the Mahrattas, at more than two years after its commencement, and after every rupee we had reserved in the treasury, or have since been able to collect, has been spent in the support of it, is at this day as far from a conclusion as ever. New expeditions are proposed to answer the same effects, which were promised from former measures of the same nature, and, as it appears to us, with no better prospect of success; of such success, at least, as would be likely to make any further efforts unnecessary.

The Governor-General talks of *friends who may be discouraged, and who perhaps may be induced to become parties against us.* We wish that the names of these friends had been mentioned. We do not know that this Government has a single friend or ally in India in the true sense of friendship and alliance, which supposes the power of giving assistance, and a disposition to give it.

The condition to which we have reduced the Vizier's country makes that connection rather a burthen than advantage to this State. We have now to defend the extended frontier of a ruined country, which, at present, barely pays the troops that defend it, and which, according to all appearance, will not do even that much longer. As for the Vizier himself, he is a cypher and has no choice.

The Rana of Gohud is too inconsiderable to be mentioned; and if he were more powerful than he is, it is plain enough that either his original purpose is answered, or that he has other reasons for being weary of the presence of our army. Though the Board have not heard from Captain Popham, we conjecture from what the Governor-General has let fall, that the Rana intends to dismiss Captain Popham, and that he will not require Major Camac to come into his country.

On the other hand, we see the principal powers of India, either armed, or ready to arm against us. The Mahrattas have united, as we foresaw they would do, in the common defence of their country. Haidar Ali, their natural enemy, has concluded an alliance with them, the effects of which, though hitherto suspended, are not averted. We know by many proofs, what his disposition

is towards us, and we ought to conclude, since it is a case against which we ought to be provided, that he means to act against us at the first favorable moment, that is, when our arms may have suffered another check, or when our strength and resources may be exhausted, by a continuance of the present war.

It is true our endeavours have hitherto succeeded in preventing the Nizam from taking an open part with our enemies. It depends on the gentlemen at Madras, whether the concession we have thought proper to make him shall take effect, or not. If it should, we have still no positive security that he will be contented with it, or that his other claims upon the Company will not furnish him with a pretence for joining our enemies, whenever he sees an opportunity of doing it to advantage. His disposition towards us, and the confidence he reposes in his own strength, may be plainly collected from his declarations to Mr. Holland.

The Rajah of Berar seems lately, if not originally, to have adopted that sort of policy which leaves it open to him to be guided by events, and to pursue any course he thinks proper. We have no security that it will be favourable to this Government. He professes to wish for an accommodation between us and the Peshwa; he offers his mediation, and apparently to support his offer, he sends a considerable army to the frontier of these provinces. The strength of this army is unknown to the Board. Various reports state it from twenty to thirty thousand horse. Against their future operations we ought to be as carefully provided as if we had no dependance on their friendship. We ought to treat them as friends, but we ought to be prepared against them as enemies.

In this situation, we can never admit, *that the resources of this Government, exhausted as they are, and withheld from it by its internal imbecility, are yet equal to every probable contingency of the present war.* On the contrary, we think that the present war, in whatever manner it may be conducted, is liable to contingencies to which all our resources, if they were yet unimpaired, would not be equal, and that in our present circumstances we have no choice.

We deny that this war has hitherto been conducted on a consistent plan, or any plan at all; of which we need not give a more decisive and striking proof, than that the expedition under Colonel Goddard did not co-operate with that from Bombay against Poona: that the authority, formerly given to the Presidency of Bombay over that army, was withdrawn in favor of another measure, of which they had no information, and that General Goddard's final march to Surat was merely matter of accident, and absolutely contrary to the Governor-General's wishes and intentions. On the 1th of March 1779, he declared he "wished equally with Mr. Francis for the return of the detachment to Berar, and equally dreaded to hear of its proceeding to the other coast."

But if the reverse were true, and if the war had really been conducted on a consistent plan, we deny that it has been varied by desultory votes of Council on every measure required for its prosecution. We do not know or believe that there is a single instance of any question concerning the war, being carried against the opinion of the Governor-General, except that now immediately before us, and even this we presume was not in contemplation with the Governor a month ago, when the resolution was taken for recalling and reducing Captain Popham's detachment with common consent, and, as we thought, with the Governor's entire satisfaction.

It is not denied that feeble measures and advances for peace may give strength and presumption to our adversaries, and discourage our friends, or that the principles of enterprise and inaction are not to be combined in the same general measure. But we do not admit that these general propositions are applicable to our situation. Our opinion is, that we are in no condition to continue the war on any terms, which suppose the continuance of the present expense, or even with a considerable diminution of it. Whether the resources be exhausted or whether they be withheld from us, it is equally true, that there is no money in our treasury. We hope that in such critical circumstances, it will not be proposed to take the deposit out of the new fort. We know not how near we are to the extremity for which it was provided. But even supposing our immediate wants were relieved by that little supply, let us consider where it would leave us, after discharging the instant demands upon the treasury. Our former statements shew what a very inconsiderable portion of it

would remain in our hands, while the credit and advantage of possessing such a reserve in specie against an extraordinary emergency would be lost. In effect, we should publicly avow, that the distress against which the deposit was reserved had actually fallen upon us.

We never meant to propose feeble measures, which necessarily defeat themselves: nor yet do we approve of vigorous measures, in the sense in which vigor has been hitherto understood, because we are convinced that this Government is unable to support them, and that if they could be supported a short time longer, they would not bring us nearer to our object. Before the commencement of the war, we foresaw and foretold the principal consequences that would attend it. We now judge of it by its effects, which we hope will be considered, though every other sort of argument should continue to be disregarded. We have seen the event of two years' military operations, and of a succession of enterprises which, in point of effort and expense, were as vigorous as anything we could now undertake.

The expedition to Poona indeed is a disgrace, which, but for the generosity or forbearance of the Mahrattas, might have left Bombay defenceless. We know not the expense of this measure, but we believe the Company will find it enormous.

The march of the army under Colonel Leslie had all the appearances of an active and vigorous resolution, and has produced as much success as could reasonably be expected. It has conquered an open country, which at some future day, and if ever the promised collections from it should be made, is to return thirty lacks a year to the Company. Against this acquisition, the permanent expense of an increase of establishment to regulate and defend it must be placed, and the value of the remainder compared with the charge of the expedition. The Company will then know at what price they have acquired a new territory on the Malabar Coast. At the end of February last, the sums remitted to this detachment alone amounted to almost seventy-six lacks of current rupees, and we are convinced that we are much within bounds in computing that a crore of rupees will not clear it to the end of October.

The march of a detachment from the coast, and of another from Bombay to strengthen General Goddard has yet produced no effect that we know of, but to raise their pay to a level with that of the Bengal troops, which of itself is no slight inconvenience.

The detachment under Major Camac, which was ordered about the beginning of last year to join Colonel Goddard, after costing the Company current rupees four lacks, thirty six thousand, seven hundred and ninety-three, returned without effect.

Many advantages were promised from the treaty with the Rana of Ghode, particularly that of dividing the strength and attention of the Mahratta. If it has really produced that or any other effect, that deserves the name of an advantage, or that can be placed in comparison with the expense of this measure, we wish to see it stated. We are informed by the Commissary General that the total expense of Captain Popham's detachment to the end of April last amounted to current rupees 5,55,953. At this rate the present expense must amount to current rupees 7,11,271.

With these discouraging experiments in our view, we are called upon to embark in another enterprise for the avowed purpose of supporting that of General Goddard. Yet the Governor's expectations of success from this new effort cannot be greater than those which he professed to entertain of the former. Even after the delay in Bundlecund,* he always considered Colonel Leslie's detachment *as capable of accomplishing the ends of its formation*, and professed the strongest convictions, *that under a proper conduct, the effects would still answer his most sanguine hopes.*

* *Vide* Secret Consultation, 12th October 1770

It is true that the part which this Government has *hitherto* borne in the war, belongs to the Governor, and that we have no share in the responsibility attending it; but it is equally true that in the future measures of this Government, we *must* take our part. We cannot transfer the responsibility, though we might relinquish the powers incident to our station. In many cases, we may find ourselves compelled not to interrupt the operation of acts already resolved

on against our opinion, especially when the Government, or its representatives, are once engaged in the execution of them. In such circumstances we have no choice. But defence of this sort will not apply to new measures or new plans, which cannot be resolved on without our consent. For these and their consequences we must of necessity be answerable jointly with the Governor, therefore cannot divest ourselves of the right of judging of both. If, on the present occasion, we are mistaken in our judgment, it will not add to the load with which the Governor-General may be charged. We rather think he derives a visible advantage from the part we are forced to take in this question. There is no difficulty in displaying the possible benefits which might have resulted from a measure untried; while the burthen of proving that such benefits were unattainable, together with the ideal loss of them, will be thrown upon the opposite party.

We have as little faith as the Governor can have in the sufficiency of official argument to overcome decided opinions. What we have said is meant to stand for our vindication at home. We heartily wish it might have more weight than we fear it will have in this place. We wish to co-operate heartily and sincerely with the Governor-General in effecting a peace on reasonable terms. Means of negotiation are in his power which are not within ours. To accomplish a peace ourselves, against his inclination, we know to be impossible. Till very lately, our hopes nearly amounted to conviction that we were all agreed on this point, and that the season of the rains in which hostilities must cease on both sides would have been employed in effecting a pacification. On this principle we consented to the proposition for accepting the mediation of Moodajee Boosla. We wish to know if any and what steps have been taken in consequence. As this measure has no connection with the proposed expedition, we hope it will not be deserted. Without making improper advances to the Mahrattas, other means might be taken to the same end; but we are perfectly sensible, that none can succeed, in which the Governor-General will not take an active part. If, after all, a formal peace is not to be obtained, we do not think it follows that an offensive war must necessarily be continued. A general outline of the plan we allude to has been suggested to the Governor-General. We do not think it advisable to enter into it in this place, but we are ready to submit our thoughts to him on the subject whenever he thinks proper.

P. FRANCIS.

E. WHELER.

MR. FRANCIS,—I beg leave to add a few words to the preceding minute, in reply to the personal appeal made to me by the Governor General. I persuade myself he would not propose an alternative to me, which, he thought, I could not accept of with honour. But as I understand it, there is no point of honour in question. I think it belongs to the Governor-General to propose and recommend such measures, as he thinks fit, to the approbation of the Board; and circumstanced as we now are, it must be some very essential consideration that can induce me to oppose him. I would neither attempt to take that lead out of his hands, nor yet engage implicitly to submit to his opinions. Every view to my own ease and happiness would incline me to wish, that the constitution of the Government permitted him to dictate, or to resolve an act without me. But I am vested with a public trust from the duties of which I cannot be exempted while I hold the station that creates it.

I believe the Governor-General yielded to my opinion in resolving to recall and reduce Captain Popham's detachment, but this was a concession to which he did not long adhere. That he should have "labored to accommodate his sentiments to mine by a studied attention to my opinions in every measure which he had ventured to propose in the course of the last fifteen months" is a fact, with which, I declare most solemnly, I was utterly unacquainted.

P. FRANCIS.

The Secretary having prepared a draft of instructions for Major Camac drawn up from the minute of the Board and circulated by order of the Governor-General to the other Members for their approbation, as he thought it irregular in him to take any part in them, they were returned signed.

EDWARD WHELER,—Agreed.

I have already agreed to such of the instructions to Major Camac proposed by the Governor-General as were conformable to the treaty with the Rana of Gohud, and to the unanimous resolution of the Board of the 29th of May. The draft now in circulation appears to me to correspond therewith, and I therefore agree to it.

PHILIP FRANCIS.

The instructions being agreed to by MESSRS FRANCIS and WHELER, they were copied fair, signed, and dispatched as follows.

Major Camac's instruction

SIR,—Our Secretary has already notified to you your appointment to the command of a detachment ordered on service with the Rana of Gohud. This detachment is to be formed of three battalions of sepoys from the second brigade stationed at Cawnpore, the battalion of light infantry commanded by Captain James Brown, and a party of artillery to consist of half a company of European and half a battalion of lascars.

In addition to the guns attached to the above battalions by the Regulations of the Army, we have ordered that your detachment should be supplied with two twelve-pounders, a howitzer, two cohorns, and a proper quantity of ammunition and stores.

We direct that you immediately proceed to Cawnpore, or to the station of your detachment wherever it may be, and forthwith conduct it into the dominions of the Rana of Gohud, there to relieve the corps now under the command of Captain Popham in that quarter.

The Rana of Gohud having in virtue of a treaty lately concluded between him and this Government required the aid of a military force on our part for the defence of his country against the Mahrattas, who had invaded it, Captain Popham was appointed to this service, and to this you now succeed. We therefore direct that you comply with such requisitions as shall be made to you by the Rana for this, and for such other conditions as he is entitled to demand by the treaty, and you shall deem practicable with the force under your command.

Whenever the Rana shall notify to you that he has no further service for the detachment under your command, and shall dismiss it in the manner prescribed by treaty, and no occasion shall present itself for the employment of it, in promoting the general success of the war in which we are engaged with the Mahratta State, you are to signify to him in writing your intention to depart from his country, demanding the full amount of the subsidy that may be due, which having received, you will immediately return with your detachment into the territories of the Nabob of Oude, and there wait for further orders; but in case of a refusal on his part to discharge the subsidy agreeable to the terms of the treaty, we desire that you will immediately signify the same to us, and not depart until you receive our answer.

If before your march into Gohud you shall receive an intimation from the Rana, that he shall not require the assistance of your detachment, you will in like manner suspend your march and wait our further instructions.

For your guidance in maintaining the relation of your command to the Rana of Gohud, we herewith deliver to you a copy of the treaty executed with him, and we require and enjoin you to conform to it with the most scrupulous and literal exactness.

The Commissary-General having drawn out an establishment for your detachment, which meets with our approbation, we transmit it to you, desiring, at the same time, that you do not on any account suffer the smallest alteration or deviation to be made in it.

We are, &c

FORT WILLIAM,
The 13th July 1780

Secret Dept. Fort William, the 20th July 1780.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

EDWARD WHELER, Esq.

P. FRANCIS, Esq., indisposed.

LIEUTENANT-GENERAL SIR EYRE COOTE, absent on a visit to the different stations of the Army.

Read and approved the proceedings of the 17th instant.

THE GOVERNOR-GENERAL,—On Monday the 13th instant, I had prepared a minute on the subject of the late debates relative to the detachment ordered on service under Major Camac, but was induced to withhold the delivery of it by the prospect which was then held out to me of an accommodation of our differences, and did understand that an agreement had taken place that all the minutes which had passed on this subject since the 19th June should be withdrawn. I am since informed that this is disavowed by Mr. Francis. I am obliged to mention this circumstance otherwise unnecessary for public record, to account for the late delivery of my minute for which I desire that a place may be left on this consultation, as it might perhaps be deemed improper to introduce it in the temporary absence of the persons whom it immediately concerns.

The Governor-General's minute, dated 3rd July.

Why Mr. Wheler has thus repeatedly chosen to join his name to Mr. Francis's in the minute lately delivered by them to the Board, I can neither conjecture, nor seek to know. I can easily conceive Mr. Francis's intention in obtaining this association. But as the rectitude of these acts in Mr Francis is to be judged upon very different principles from those in which he has a common concern with Mr. Wheler, I shall consider them solely as his, and reply to them accordingly. Indeed I have no doubt of their being all the entire composition of Mr. Francis They are not the less his by this apparent division of the property; and his name affixed to them gives me the right of regarding them as entirely his.

I did hope that the intimation conveyed in my last minute would have awakened in Mr. Francis's breast, if it were susceptible of such sensations, a consciousness of the faithless part which he was acting towards me. I have been disappointed, and must now assume a plainer style and a louder tone. In a word, my objections do not lie to the special matter of hi minutes, to which I shall separately reply, but to the spirit of opposition which dictated them. I have lately offered various plans for the operations of the war. These have been successively rejected as I have successively amended and endeavored to accommodate them to Mr. Francis's objections. I had a right to his implicit acquiescence. I have lastly proposed a service requiring immediate execution, and I have freed it from the only objection formally made to it.

In answer, he says that he adheres to the reasons which had before induced him to withhold his consent, and composedly invites me to lay before the Board a complete detail of the plan for conducting the war, a comparative state of the whole of the object with the whole of the means of attaining it, and the final extent of my demands on the Mahrattas, or what concession I would make to them: and he promises to enter into the consideration of these points with the utmost candour. If his design in this enquiry was simply to gain information, I might refer him to the large and confidential discussions in which I have laid all my views open to his, with all the grounds on which they were formed If his purpose was to enable him to form a more clear or competent judgment of the plans which I have proposed, its object would be lost in the time required for the deliberation. But in truth I do not trust to his promise of candour, convinced that he is incapable of it, and that his sole purpose and wish are to embarrass and defeat every measure which I may undertake or

which may tend even to promote the public interests, if my credit is connected with them. Such has been the tendency, and such the manifest spirit of all his actions from the beginning. Almost every measure proposed by me has for that reason had his opposition to it. When carried against his opposition, and too far engaged to be withdrawn, yet even then and in every stage of it, his labours to overcome it have been unremitted; every disappointment and misfortune have been aggravated by him, and every fabricated tale of armies devoted to famine or to massacre have found their first and ready way to his office, where it was known they would meet the most welcome reception. To the same design may be attributed the annual computations of declining finances and an exhausted treasury, computations which though made in the time of abundance must verge to truth at last, from the effect of a discordant government, not a constitutional decay. To the same design shall I attribute the policy of accelerating the boded event, and creating an artificial want, by keeping up an useless hoard of treasure, and withholding it from a temporary circulation.

I am aware of the answer which will be made to these imputations and I will anticipate it. Mr. Francis may safely deny them, for they are incapable of positive evidence. He may complain of the injustice and indecency of assuming the interpretation of his thoughts, and assigning intentions to him, upon the reality of which he alone can pronounce with certainty. He may claim an equal right to recriminate upon me, and to pass the same free judgment upon the motives which have influenced my public actions. Against such conclusions I trust that my character will be sufficient to defend me, unless some known instance of it can be produced as a warrant for them, and such I am certain do not exist, either known or unknown.

My authority for the opinions which I have declared concerning Mr. Francis depends upon facts which have passed within my own certain knowledge. I judge of his public conduct by my experience of his private, which I have found to be void of truth and honour. This is a severe charge, but temperately and deliberately made, from the firm persuasion that I owe this justice to the public and to myself, as the only redress to both, for artifices of which I have been a victim, and which threaten to involve their interests with disgrace and ruin. The only redress for a fraud for which the law has made no provisions is the exposure of it. I proceed to the proofs of my allegation.

In the latter end of the month of February last Mr. Francis concluded with me an engagement of which one Article alone is necessary to the present occasion. It is as follows:—

"Mr. Francis will not oppose any measures which the Governor-General shall recommend for the prosecution of the war in which we are supposed to be engaged with the Mahrattas, or for the general support of the present political system of this Government. Neither will he himself either propose, or vote with any other member who shall propose, any measure that shall be contrary to the Governor-General's opinion on these points."

By the sanction of this engagement, and the liberal professions which accompanied it, I was seduced to part with the friend to whose generous and honorable support steadfastly yielded in a course of six years I am indebted for the existence of the little power which I have ever possessed in that long and disgraceful period, to throw myself on the mercy of Mr. Francis, and on the desperate hazard of his integrity. It was impossible to afford a stronger demonstration of the good faith with which I entered into this accommodation, nor of my confidence in his, than thus consenting to deprive myself of the means of breaking the engagement on my part, and of preventing the breach of it on his: and surely this difference in our relative situations ought to have impressed him with a sense of what he owed to the delicacy attending it, and have made him dread even an approach towards the precise line of his obligations, by the slightest advantage taken of my inability to repel it: and how much more ought it to have restrained him from the direct transgression of it!

I must now revert to the Article of Mr. Francis's engagement which I have recited above, and to the minutes lately delivered to the Board under the

signatures of Messieurs Francis and Wheler. On these I rest the proofs which I have promised of the charge herein preferred against Mr. Francis.

If it shall appear on a fair comparison of these evidences that Mr. Francis has faithfully adhered to his engagements, I have wrongfully accused him. If on the contrary, it shall appear that in violation of these engagements he has opposed any measures which I have recommended for the prosecution of the war in which we are engaged with the Mahrattas, or for the general support of the present political system of this Government, or that he has either himself proposed or joined with another member in proposing a measure contrary to my opinion on these points, my charge is established. I wish to avoid a repetition of the terms of it.

WARREN HASTINGS.

Ordered that this minute be circulated.

THE GOVERNOR-GENERAL,—Notwithstanding the ill-success which my former motions have met with relative to Major Camac's detachment, I must again revert to the proposition made by me to the Board on the 19th ultimo, for the extension of the powers to be given to Major Camac in the manner expressed in my proposed draft of his instructions delivered in on that day, and I accordingly now move that those instructions be granted to him.

I have little to say in addition to the former arguments which I have urged in support of the principal measure presented in them, but that it appears to me more necessary at this time to create such a diversion by the declaration lately made by Hyder Ally Cawn, or at least too strongly implied to admit a doubt of its intended construction, in his letter recorded in the last consultation. Every accumulation of difficulty requires an additional exertion. For the same reason I move that the order for reducing Captain Popham's detachment be repealed, and that it be formed into three regular battalions to be commanded by the three senior Captains now with that corps; but as I understand the Commander-in-Chief left Lucknow on the 6th instant, and is proceeding with all possible expedition to the Presidency, I do not think it necessary to follow this motion with any proposal for the disposition of this corps until his arrival

MR. WHELER,—No arguments are used by the Governor-General in his late proposition, in addition to those stated in his former minutes upon this subject, to induce me to alter my opinion respecting the first instructions to Major Camac. I must therefore adhere to it. I must confess the Governor-General's second proposition is accompanied with a forcible argument; times of war and public calamity are certainly not the times for diminishing our military force, more especially as we have every reason to believe (both from the late declarations which Hyder Ally has made to this Government, and also from the particular measures which that Chief has lately pursued in relation to us) that an open rupture betwixt him and the Company is not very distant.

Mr. Wheler

I therefore readily coincide with the Governor-General in repealing the order for the reduction of Captain Popham's detachment, and that it be formed into three regular battalions to be commanded by the three senior Captains now with that corps.

The above proposition being resolved in the affirmative, the following instructions are issued to Major Camac.

To Major Jacob Camac.

SIR,—Having appointed you to the command of a detachment ordered to be formed of four battalions of sepoys, three of which are to be furnished from the army stationed at Cawnpore, and the fourth the battalion of light infantry commanded by Captain James Browne, we direct you to proceed to Cawnpore, or to the station of that detachment, wherever it may be, and to conduct it without loss of time into the dominions of the Rana of Gohud, there to relieve the corps now under the command of Captain Popham in that quarter.

The Rana of Gohud having in virtue of a treaty lately concluded between him and this Government, required the aid of a military force on the part of this Government for the defence of his country against the Mahrattas who had invaded it, Captain Popham was appointed to this service, and to this you now succeed. We therefore direct that you comply with such requisitions as shall be made to you by the Rana for this, and for such other conditions as he is entitled to demand by the treaty, and shall be practicable with the force under your command.

Whenever the Rana shall have no further service for the detachment, and shall dismiss it in the manner prescribed by the treaty, and no occasion shall present itself for the employment of the detachment in promoting the general success of the war in which we are engaged with the Mahratta State, you are forthwith to return with it into the dominions of the Nabob of Oude, and there wait for further orders. And if before your march into Gohud you shall receive an intimation from him in writing that he shall not require the assistance of your detachment, you will in like manner suspend your march, and wait for further orders.

But as the first design of this Government in the alliance lately formed with the Rana of Gohud was to distress the Mahratta State by a diminution of their power, revenue, and influence, and, by uniting with other powers in enmity with them, to divert and weaken their operations; and as the Mahratta dominions, which lie contiguous to Gohud, appertain to Mahaji Scindia and Tuccojee Hoolkar, the two principal Rulers of that State, and the leaders of the army employed to oppose General Goddard, we authorize and instruct you, in case you shall judge it practicable and expedient, to carry the war immediately into that quarter, requiring from the Rana the proportion of cavalry stipulated by the treaty to be furnished by him for such a service, or in case of his inability, whether from the season of the year, or from whatever other cause, to fulfil this condition in its complete extent, to require and accept from him such other aid in furnishing provisions and in forming magazine of grain, and other means of subsistence and communication, as you shall judge equivalent to it.

For your guidance in maintaining the relation of your command to the Rana of Gohud, we herewith deliver to you a copy of the treaty executed with him, and we require and enjoin you to conform to it with the most scrupulous and literal exactness.

If any case shall occur for which we have not provided by these instructions, and which shall not be contrary to them, we empower you to act therein according to your own judgment: in all others, these instructions are positive, and must be implicitly obeyed.

The Commissary-General having drawn out an establishment for your detachment, which meets with our approbation, we transmit it to you, desiring at the same time that you do not on any account suffer the smallest alteration or deviation to be made in it.

FORT WILLIAM, } We are, &c.
The 19th June 1780 }

Resolved in the terms of the proposition, *viz.*, that the sepoy drafts composing the detachment under the command of Captain Popham be formed immediately into three regular battalions, of the same strength as those attached to the brigades, and that the three senior Captains now serving in that detachment be appointed to the command of them.

Resolved also that the Commander-in-Chief be requested to issue the necessary orders for carrying into immediate execution the above Resolution.

GOVERNOR-GENERAL,—Not having yet received any positive advices tending to ascertain the destination of the Mahratta Army lately sent from Nagpore and now at Cateck, and deeming it necessary to make some early provision for guarding against their incursions into these provinces from which they are only distant a few days' march—I move that the first battalion of sepoys for

duty at the Presidency be ordered to proceed to Jellasore, or to such place as the Commanding Officer may deem most eligible, for the purpose of securing the boats on the Subanreeka should they attempt to cross that river, and to watch their motions, I do not mean this as a force sufficient to repel any attempts that may be made by this army, but a necessary and sufficient precaution for the present.

The above proposition being agreed to, it is resolved that the battalion first for duty at the Presidency be ordered to be held in readiness to march at a moment's warning and that the Commanding Officer of the first brigade be directed to issue the necessary instructions to the Officer Commanding it to march to Jellasore, or to such station as may be deemed most eligible for the purpose of watching the motions of the Mahrattas, and of securing the boats on the Subanreeka should they attempt to cross that river.

Secret Dept. Fort William, the 11th September 1780.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, K. B.

Read and approved the Proceedings of the 7th instant.

MR. FRANCIS delivers in the following minute in reply to that of the Governor-General recorded on the 20th July.

MR. FRANCIS,—The main question, between Mr. Hastings and me, can be referred to no other test but the public opinion of our respective characters: I appeal cheerfully to that test, and am ready to abide by the event of it. On the point in issue, I can only declare, as I do now in the most solemn manner, that I never was party to the engagement, stated by Mr. Hastings, or had a thought of being bound by it. In one of our conversations in February last, he desired me to read a paper of memorandums, among which I presume this article was inserted. I returned it to him the moment I had read it, with a declaration that I did not agree to, or hold myself bound by the contents of it, or to that effect. From that time I have never seen the paper. I never had a copy of it, nor have I a positive recollection of anything it contained. The agreement I meant to enter into, with respect to the Mahratta War, was, to prosecute the operations actually existing on the Malabar Coast, which, since the campaign was begun, and General Goddard had already taken the field, I thought should be pushed as vigorously as possible. I have no direct evidence to produce in support of this declaration; but I imagine it will be strengthened, in some degree, by the following considerations: It is not said that the plan of another expedition from the upper country into Malva, or any other part of the Mahratta dominions, on that side of India, had ever been suggested to me. The Resolutions of the 29th May last, formed on the Governor-General's own propositions, constitute, as I think, a strong presumption that, up to that period, the Governor-General had not had that measure in contemplation, or that he must then have abandoned all thoughts of it. On that day it was unanimously resolved that Captain Popham's detachment should be recalled, and reduced, and that he should be relieved by four battalions under Major Camac. In this arrangement nothing appears to have been in the view of the Board, but to diminish the public expense, without departing from the terms of the treaty with the Rana of Gohud. Our letters of the 28th of April to the Presidency of Bombay, to Brigadier-General Goddard, and to the Commander-in-Chief express the unanimous opinion of the Board, *that our resources were no longer equal to the payment of General Goddard's army without*

draining Bengal entirely of its specie, and that no requisition on the other side of India could compensate for the distresses which a continuance of the war, at the present expense, would bring upon the Company. This indeed has been invariably my opinion, but the Governor concurred in it, and drew up the letters himself. The evidence I appeal to is public, and authentic. It is not for me to determine how far it ought to be deemed conclusive.

The observations which I must now proceed to offer on some passage in the Governor-General's minute shall be as short, and moderate as I can make them. I mean to lead the reflections of others from fair presumptions to probable conclusions, which is all that the case will admit of; and by no means to engage myself, or the Governor in any further controversy.

I am not acquainted with the Governor-General's plan for carrying on the war, from what funds it is to be supported, or on what terms he would make peace. It seems to me that the demand from two Members of the Board was regular, and in its place. A very few words would have been sufficient to tell us, what were to be the final objects of the war. I would not venture to state the loose discourses of a private conversation, if I recollected them, on a subject of such very great importance, nor can I agree, *that the object of the question would be lost in the time required for deliberation.*

2. The Governor-General's minute of the 28th of last month, and the letter from the Board of Trade of the 22nd, are sufficient to prove that my annual computations of declining finances, and an exhausted treasury were well founded. Every department of the public service is, and has been for several months in arrear. As to the deposit in the new fort, it was placed there at my motion, but long after Colonel Monson's death, and with the Governor's consent, and approbation. In the Secret Consultation of the 21st of May 1778, he speaks of it as a fund *which we appropriated for our own extraordinary occasions*, and which we should not break in upon for any other service. I cannot conceive, that I am hostile to Mr. Hastings in adhering to the opinion, which I constantly, and uniformly delivered on this subject.

3. The evidence of the charge against me is drawn from a paper written by the Governor himself, of which I never had a copy, though from the manner in which the quotation is introduced, it might naturally be taken for an article in some formal treaty between us. This is said to be *the proof of his allegation*, that is, the charge, and the proof stand on the same ground. In another place he admits that his *imputations are incapable of positive evidence.* I submit to judgment whether it even be presumptive, except of his own thoughts, or intentions, which I do not mean to question. How would he receive, or how would he answer accusation against himself, no better supported than this?

4. I submit to judgment whether, the engagement, as stated by Mr. Hastings, does not prove too much against me. Under terms of it, I must have consented to the march of every battalion on the Bengal establishment to the Malabar Coast, if Mr Hastings thought fit to propose it, or to any other measure whatsoever, without exception, or limitation, which he might have recommended for the support, and continuance of the war. From the date of the agreement, I at once renounce all my former declarations, and opinions, and all choice, will, and judgment for the future. Some men, perhaps, may think me capable of such an act. I hope and believe they are not many. But no man who knows anything of the world, will think it possible that I would sacrifice myself in so gross a manner, without some secret adequate compensation, if any compensation could be equal to it. On this head I have no other evidence to appeal to. and I desire no better, than Mr. Hastings himself. If anything was done, or proposed by me, for my advantage, directly, or indirectly, or if anything was done, or proposed for the advantage of any other person whatsoever, beyond what was publicly known and avowed (I mean the re-instatement of Mahomed Reza Cawn, Mr. Francis Fowke, and Mr. Bristow in conformity to the Company's orders), I call upon him to declare it. That of Mr. Bristow was the only point of the three, which I yielded to suspend until the month of October, or until the first advices of the season from the Court

of Directors. In the actual situation of affairs here, and with the alarming and calamitous accounts we had then lately received from England, I thought that some agreement between Mr. Hastings, Mr. Wheler, and myself was essentially necessary to the public safety. I therefore met Mr. Hastings with a sincere disposition to come to an agreement, and to forward it by every facility on my part, during the whole course of the transaction. Nothing of any moment was said or done without Mr. Wheler's knowledge and participation.

With respect to Mr. Barwell's deposition and the inferences drawn from it, it is a subject of which no man at home can judge so well as they who are on the spot and see what passes: the little I shall say of it, is offered as matter of opinion, not evidence. I believe it, for instance, to be the opinion of many well-informed persons in this settlement, as it is now firmly my own, that Mr. Barwell was determined to go home last season at all events, and that the *Swallow* was kept for several months on purpose for him. If so, Mr. Hastings gained something, and could lose nothing by his agreement with me. But as Mr. Barwell's going home was never demanded by me, nor ever entered into the agreement, I have no concern in Mr. Hastings' motives for consenting to it.

If I deserved the character attributed to me, I should not acknowledge, as I do, the force of an argument deduced by Mr. Hastings from the defenceless condition in which he was supposed to be left by Mr. Barwell's departure. It is such an argument as can only be felt by a man of honour. I admit the principle laid down by Mr. Hastings as far as it can be urged with any color of reason or justice. Whether I have departed from it, or not, is a question of fact. Let it only be observed that such a principle is as liable to be abused on one side as to be violated on the other. Push the inferences from it as far as they will go, and who does not see that a tyranny may be erected by it over the mind of a man of nice sensibility and fearful of reproach? With such a weapon so exercised Mr. Hastings would possess a power which he assuredly never had while Mr. Barwell was in the country.

The whole of this unfortunate question between Mr. Hastings and me must some time or other appear before the public. I do not wish to prejudice the mind of any man against him. My conduct perhaps may be condemned on other grounds, but I do not see how it can be fairly imputed to base or interested views. The cause which I have hitherto endeavoured to maintain is not mine; I have no greater personal concern in it than any other members of the community. After all, what is it to me more than to any other man, whether there be a Mahratta war or not, or in what manner it is conducted?

The 11th September 1780. P. FRANCIS.

MR. WHELER delivers in the following minute.

Mr. Wheler.

MR. WHELER,—It is not without some pain that, in obedience to the dictates of my judgment, I beg leave to refer to the Governor-General's minute of the third of July, in order to offer a few remarks to the introductory part, which alone has relation to me. If the Governor-General does not in that part leave it to be imagined that I professed sentiments which were not my own, he at least takes it for granted that there is something extraordinary in the question of my name with Mr. Francis's in the opinions we have delivered respecting the Mahratta War; to this inference I deem it my duty to object. It is not in my apprehension perfectly in accord with that freedom which essentially belongs to every gentleman who is entrusted with a seat at this Board, namely that of delivering such opinions as he judges proper, and in a manner most agreeable to himself. The minutes to which I have subscribed were the results of my own reflections; and the only opinions I have entertained on the subject of the Mahratta war; so long as I deliver opinions thus germine, it is a question of no moment in what form they are presented. If my actions or private discourses have been contrary to my public opinions, then and then only is there any ground given for questioning the sincerity or diminishing the credit. I have

thought alike with Mr. Francis on a particular subject, and therefore we subscribed to the same opinions, and I hope so often as I have the pleasure of agreeing with the Governor-General, he will give me credit for following the dictates of my judgment only, believing that I shall join in no opinion contrary to my own sentiments or inconsistent with my own honour. I beg leave to remind the Governor-General that this is no new language with me, having spoken clearly to the same purport before.

Whatever difference of sentiment may arise between the several Members of this Government in discharge of the great trust reposed in them, (and differences will sometimes unavoidably happen), it shall always be my study and endeavour to preserve candor and moderation in our Councils. No other temper, I am certain, can extricate us from our present difficulties, or bring us heartily to unite in one object—the good of the public.

E. WHELER.

Secret Dept. Fort William, the 25th September 1780.

Monday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, K.B.

Read and approved the Proceedings of the 22nd instant.

The Governor-General delivers in the following minute.

Minute from the Governor-General.

GOVERNOR-GENERAL,—This is not a time either for long deliberation at home or the formal and tedious process of negotiation abroad. The calamity which has befallen us upon the Coast, and the alarming superiority which Haidar Ali Cawn has acquired in the Carnatic, the despondency of the Government of Fort St. George, the consternation and distrust which seems to have spread themselves among all those who are subject to its authority, its utter want of present means and resources, the diminution of their military strength, and its declared insufficiency for the war which it is to sustain, and above all the authentic informations which we have received of a great naval and military armament prepared by the Court of France and destined beyond all doubt to co-operate with Haidar Ali, demand the most instant, powerful, and even hazardous exertions of this Government to avert the event portended by so many concurrent difficulties. To this point every other consideration must now give place. Without further preface I propose the following resolutions:—

1st.—That the sum of fifteen lacks of rupees be immediately sent to Fort St. George in specie, and laden for that purpose in the Hon'ble Company's Ship *Duke of Kingston*, and the other vessels which are now on the point of sailing for Madras.

2nd.—That the treasure deposited in the new fort, including the moiety lately taken from it, be all replaced in the general treasury, to be applied to the preceding purpose and other exigencies of this Government.

3rd.—That a large detachment of European infantry and artillery be immediately sent to Fort St. George by the *Duke of Kingston* and the other vessels which are now on the point of sailing for Madras.

To this proposition, as a necessary and essential part of it, I must add the following, *viz.*, that the Commander-in-Chief be requested, and I do for my own part make it my most earnest and particular request, that he will proceed himself immediately to the Coast, and take the command of the army on that establishment.

[The Commander-in-Chief will pardon this formal and official solicitation. I know the ardor of his zeal for the public service, and that this principle will of itself impel him wherever it shall most require his presence; but I think this a case in which it would mark too great an indifference to the public welfare, and too cold a sense of the utility of his services, to leave the offer of them to his unsolicited option. I make no scruple to avow that although I am convinced that the danger impending on our interests in the Carnatic might be easily repelled even with the force which it already possesses for its defence, yet I cannot place any reliance upon it, unless it shall be properly applied and conducted; that I do not think it has been properly applied, nor expect that it will be properly conducted, unless Sir Coote will at this crisis stand forth and vindicate in his own person the rights and honor of the British arms. I mean not to compliment. It is military experience, and above all the high estimation in which his name is held by the world, and especially by that part of it where it was principally acquired, mark him as the only possible instrument to retrieve our past disgraces, or to preserve the British interests and possessions in the Carnatic from utter ruin. Our armies which have been so long formed to the habits of conquest, will not easily recover from the impression of the dreadful reverse which has lately befallen them, nor be brought to act with their former confidence under unsuccessful commanders. The addition of numbers will not relieve their apprehensions, and will not but contribute to oppress the hands which have been already proved too weak to sustain the weight of an inferior charge.]

4th.—That an immediate offer of peace be made to the Mahratta State in the mode and on the conditions following, *viz.*—That as the Ministers of that State have professed a desire for peace which has been equally the wish of this Government even from the commencement of the war, and as the attainment of it seems to have been hitherto impeded by the difficulty of managing a negotiation between the principals situated at so great a distance from each other, to preclude all further delays we do at the same time offer peace and bind ourselves to the observance of it on their acceptance and ratification of the following conditions, *viz:*—

1st.—That all acquisitions made by our forces in the course of the war and retained in our possession as the property of the Company shall be delivered up and restored to the same footing as that on which it stood before the commencement of the war; but that such as have been conquered and ceded to others in virtue of formal treaties shall remain and be confirmed to the persons to whom they were so ceded, and the treaties concluded with them remain firm and inviolable.

2nd.—That a provision be made for the maintenance of Raghonath Row during his life, and that he shall be permitted to reside wherever he pleases, excepting at Bombay, or any place nearer to Bombay than Surat, but shall receive no assistance from the Governor-General and Council of Bengal, nor from any other Presidency of the Company; nor if he shall choose any of the Company's Presidencies or settlements for the place of his residence, shall he be permitted to re-assert his pretensions to the administration of the Mahratta State without the entire and universal consent and requisition of all the Members of the State who are included as parties in this treaty.

3rd.—That the Peshwa and rulers of the Mahratta State shall agree to an alliance offensive and defensive with the Company against the French and Haidar Ali Cawn, and shall immediately employ their forces in conjunction with ours in the invasion of his dominions, and in the prosecution of such operations against him, as the circumstances of the war, and the judgment of those who have the conduct of it, on both sides, shall determine; and if in the course of it any acquisitions of territory shall be made; these shall be equally shared between the parties to this engagement in such manner as shall be most suitable to the situation and contiguity of the places or dominions at this time respectively held by them.

4th.—That if the Peshwa will not agree to the proposed alliance, peace be nevertheless concluded, each party retaining what it hath acquired, or that a

suspension of hostilities shall take place on both sides during one year from the date of the treaty for the purpose of negotiating the terms of a future and perpetual adjustment.

5th.—That the treaty shall be concluded with the mediation and guarantee of Raja Moodajee Boosla, who shall be a subscribing party to it, and shall bind himself and his successors to the faithful observance and support of it.

6th.—That the treaty shall be sealed, signed, and sanctified by the respective parties to it with the most solemn oaths prescribed by their respective religions.

7th.—That one copy of the treaty executed in the manner above prescribed by the Governor General and Council of Bengal being received by the Peshwa or his Ministers, two copies or counterparts thereof shall be in like manner executed by the Peshwa and principal Rulers of the Mahratta State and Raja Moodajee Boosla as the guarantee to it in the manner above mentioned and shall be transmitted, one to the Government of Bombay, and the other to General Goddard, or to the officer commanding the detachment sent from Bengal; that all hostilities may immediately cease on both sides, and each provide for the due execution of the treaty. But until the treaty be thus ratified on the part of the Peshwa, it shall not be binding on the Governor-General and Council, neither shall it be binding unless it shall be so ratified within two months after the receipt of it.

8th.—That a letter be written to the President and Select Committee of Bombay, and a similar order to General Goddard and Major Camac, requiring and commanding them immediately to suspend all hostilities and military operations on receipt of a requisition in writing to that effect, and a notification from the Peshwa that the like order has been given on his part to the officers commanding his armies; and that the Peshwa be advised of these orders, that if desirous of peace he may make the said requisition and notification accordingly.

9th.—That the treaty being executed by the Governor-General and Council in the manner specified by the 6th and 7th Articles of the fourth resolution, it be forwarded to Moodajee Boosla with two blank copies of it, that if he should approve of it, it may be previously ratified on his part as guarantee, and transmitted with the treaty executed by this Government to the Peshwa for his ratification in the manner prescribed by the 6th and 7th Articles of the fourth resolution.

This is all I propose as immediately necessary. The Commander-in-Chief will offer such a plan for the distribution of our troops and other military arrangements as appertain to his separate province.

Other subsidiary measures may be the subjects of future deliberations.

Agreed that the consideration of the foregoing propositions be deferred until the next meeting.

The Board adjourn till tomorrow morning at 10 o'clock.

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Proceedings of the Secret Select Committee from 26th September to 28th December 1780.

Secret Dept. Fort William, the 26th September 1780.

Tuesday.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, Esq.

EDWARD WHEELER, Esq.

LIEUTENANT-GENERAL SIR EYRE COOTE, K.B.

The Board meet agreeable to adjournment

Mr. Francis delivers in the following minute on the propositions recorded by the Governor-General on yesterday's proceedings.

Mr Francis

MR. FRANCIS.—I am earnestly desirous of giving every assistance and relief to the Presidency of Fort St. George that prudence and a due regard to our own safety will admit of. Our endeavours to provide for the security of the Company's other possessions in India should always be guided and limited by the fundamental principle laid down for us by the Court of Directors in our general instructions *to make the safety and prosperity of Bengal the principal object of all our deliberations and resolutions*, and I trust that the Board will not lose sight of this principle in the present debate.

1st.—I see many objections to the Governor-General's first proposition. The sum of 15 lacks in specie is much too great for this Government to spare from its own pressing occasions, nor do I think that so great a sum ought to be trusted at once to the gentlemen of Madras if our Treasury were full. If we supply them gradually and with moderation, it is probable that they may apply our money with economy to the service for which we intend it. If not, I very much fear that it will not only be misapplied, but wasted. Before we part with anything, we ought to look into the state of our Treasury and see what supplies can be afforded from it consistently with the immediate demands and other indispensable services of this Government.

* 1,65,190.

† 1,26,910.

We had yesterday an apparent balance of 14 lacks of current rupees, including bills* receivable, unsorted† treasure, and deposits of private property to the amount of current rupees 16,51,653. This is our actually existing fund. The Paymaster-General's immediate demand on this fund is for 17,59,556; other orders unpaid amount to current rupees 15,91,441. The Civil Service, I believe, is universally in arrear. The artillery, lascars, the artificers, and all the sepoy battalions, except one, are in three months in arrear. On the fifth of next month the Paymaster-General will call upon us for current rupees 5,17,000 exclusive of any bills that may be drawn by General Goddard or Major Camac. Put these demands together and see in what state we shall be left when they are satisfied, as some of them at least must be without delay. In effect we have no fund to meet our own most pressing expenses, nor do I see by what means it will be possible to create such a fund as our situation requires. Before we have a considerable sum in hand I would not undertake to send large supplies to the other presidencies; for these reasons I think that the present supply for Fort St. George should not exceed half the sum proposed, nor could anything but their pressing necessities extort even this sum from me in the present state of our Treasury.

2nd.—If it depended on me, I would rather take measures to increase the deposit in the new fort than proclaim our distress to all India by taking away the little residue now left there. It is a dreadful consideration that a Government such as this should not at all times have a reserve of 20 or 30 lacks in specie at its command.

3rd.—On the first part of the third proposition I must submit to the judgment of the Commander-in-Chief whether a *large detachment of European infantry and artillery* can be spared with safety from the defence of Fort William and of these provinces It is not ascertained by what conveyance they are to be sent. The *Kingston* it is said may be ready in ten days, but this is the only ship now under orders for sailing, and it is to be feared that even she will arrive on the coast at a time when it may be very difficult, if not impossible, to land either the stores or men. I deem this to be a point of very great consequence, and I hope the Board will attend to it. As the Governor-General declares *that he is convinced that the danger impending on our interests in the Carnatic might be easily repelled even with the force which it already possesses for its defence, if properly conducted*, I concur in the request proposed to Sir Eyre Coote, but I do not see the same necessity for sending a reinforcement of troops.

4th.—I agree to the 4th proposition with the following reservations, *viz.*:—That all acquisitions whatever on the Malabar Coast made by us since the last rupture with the Poonah Government shall be restored. I would not continue the war for the sake of keeping Futty Sing in possession of any part of Guzerat. With respect to the Rana of Gohud, I would secure him, if possible, in the possession of whatever is properly his own dominions. But I would keep Gwalior, which is a royal fortress, to be made use of in our accommodation with the Mharattas, that is, I would exchange it for Bassine and garrison it until that point can be accomplished. I agree to the article respecting Ragonaut Row, except that he should not be permitted to reside at Bombay. And if he could be removed entirely from that coast to some other residence, I think that our principal cause and instrument of future quarrel with the Mahrattas would be thereby removed.

On the 3rd and 4th articles of the 4th proposition I am of opinion that we ought to make peace with the Mharattas at all events, because I deem it a case of indispensable necessity, which supersedes all other considerations. It is undoubtedly much to be desired that they should join with us against Hyder Ally, but in our present circumstances it is of itself a point of so much consequence, and will give us so great a relief to put an end to the war with the Mharattas, that I think it ought not to be embarrassed with any conditions which they can reasonably refuse: all they desire, as I understand, is that we should restore them their property; they are content to sit down with the heavy losses and distresses they have suffered in the course of our different invasions of their country. I shall not object to the mode proposed for obtaining a speedy determination of the question whether the Mharattas will accede to our proposals or not: the Governor-General knows better than I do what dependence is to be placed on the zeal and friendship of Moodajee Boosla. For my own part, I fear delays, and am inclined to think that if Major Popham or some other officer from that quarter were sent to Poonah with the treaty in his hand, it would be the shortest course, and the most likely to succeed.

I submit to the Board whether in case the Mharattas should not join in an offensive alliance with us, it would not be proper to insert an article in the treaty to provide for the free passage of General Goddard's army through their country, in its return home, supposing we should at any time think fit to demand it. I have not mentioned the recall of Major Camac's detachment, nor anything that relates to the arrangement of the troops for the defence of these provinces, especially to the southward towards Cuttack, as I now understand that these points have been duly attended to by the Commander-in-Chief, in whose care and judgment I confide. I think it would be proper to recommend it to Sir Eyre Coote to insist on the restoration of Mr. Hollond to his rank in the Company's service, from which he was dismissed by a most arbitrary and unjust resolution of a majority of the Select Committee formed by the casting

voice of the President. It was an indignity to this Government, which we ought to resent, as well as an injury to Mr. Hollond, which we are particularly bound to repair, since it was drawn upon him by his compliance with our instructions. I need hardly add that in the present juncture his services at the Nizam's Court may be turned to the most advantageous account. An offensive alliance with this Prince seems to me one of the first objects to be aimed at, and with some concessions, which in effect would cost us nothing, I should think it might be easily accomplished.

But there still is another point which I deem essential to the success of every measure we take for the defence of the Carnatic, and which I must again beg leave to bring into view. I mentioned it yesterday in discourse, and if we are unanimous I should have no scruple to record my opinion of it. If we are not unanimous, the subject had better not be mentioned.

These ideas are thrown together I confess with much less care and deliberation than the importance of the subject of them demanded. The shortness of the interval since the close of yesterday's Council obliges me to defer entering into many other important considerations which are suggested to me by a general view of our situations.

I beg leave to annex an abstract state of our treasury, with the present immediate demands upon it.

State of the Treasury, 25th September 1780—whole balance current rupees 44,12,895-10-6.

	R	a.	p.
Deduct, deposits of private property	16,51,653	15	1
Orders to the Military Paymaster-General unpaid	17,59,556	0	0
Orders of Civil establishments unpaid . .	15,91,441	0	0
Demand of the Military Paymaster-General for the 5th next month.	5,47,000	0	0
Public officers for October estimated . .	2,60,000	0	0
	58,09,650	15	0
26th September ordered this day to Madras .	15,00,000	0	0
	73,09,650	15	0

Secret Dept. Fort William, the 10th October 1780.

Tuesday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, Esq.

LIEUTENANT-GENERAL SIR EYRE COOTE, *indisposed.*

Read and approved the Proceedings of the 9th instant.

The Governor-General delivers in the following minute:—

I have repeatedly, in the most express terms, declared at this Board, and particularly when our letters were written to the Select Committee of Fort St. George of the 12th June and the 21st August, that if the requisition contained in the first of those letters for the recall of the Company's forces on that establishment from the Circar of Gantoor, Mortazanagar and for the complete restitution of that Circar to the Nabob Bazalet Jung was not literally obeyed, I would move the Board to assert the legal and necessary authority of this Government by the suspension of the President of Fort St. George from his office, by virtue of the power vested in the Governor-General and Council for that purpose by the regulating Act of the 13th of George the 3rd.

If the members of the Board are clear in their recollection of this declaration, I hope they will by their public testimony confirm it, that the principle on which I now mean to carry it into effect may be proved, and that I may not be subjected to the imputation or suspicion of covering an act of popular resentment under a plea of justice applied to a remote and obsolete charge.

Having thought this introductory explanation necessary for the vindication of my own sentiments before expressed in so decided a manner upon this subject, I shall proceed to state verbatim that particular part of the Act of Parliament upon which I ground the plain, positive, and unquestionable right of this Board to exercise its controlling power over the other Presidencies: "And be it further enacted by the authority aforesaid that the said Governor-General and Council or the major part of them shall have and they are hereby authorised to have power of superintending and controlling the government and management of the Presidencies of Madras, Bombay, and Bencoolen, respectively, so far and in so much that it shall not be lawful for any President and Council of Madras, Bombay, or Bencoolen for the time being to make any orders for commencing hostilities, or declaring, or making war, against any Indian Princes or powers, or for negociating, or concluding any treaty of peace or other treaty with any such Indian princes or power, without the consent and approbation of the said Governor-General and Council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General and Council might arrive. And except in such cases where the said President and Council respectively shall have received special orders from the said united Company any President and Council of Madras, Bombay, or Bencoolen, who shall offend in any of the cases aforesaid shall be liable to be suspended from his or their office by the order of the said Governor-General and Council."

After the recital of the above clause a simple exposition of facts will best mark the conduct of the Select Committee of Fort St George in the instance to which I have alluded, and evince, I trust, the propriety of the motion with which I shall conclude.

The first intimation conveyed to us of the business relative to the Gantoor Circar was in a letter from the Select Committee, dated 31st December 1778, in which after acquainting us "that they were thoroughly convinced of the necessity of removing the French troops from the service of Bazalet Jung, and that they had received certain proposals from him relative to the Gantoor Circar, to which they had returned such an answer as they thought proper and necessary on the occasion," they refer us to the letters from this Presidency, dated the 5th July and 11th December 1775, in which they say "they find ample authority from us to the then Government to proceed in effecting the dismission of the French troops by treaty or in any other manner they might think proper." What this ample authority was, in what manner and in what terms it was conveyed, the letters themselves are the only proofs to establish; and if from those letters and from other references it shall appear that not only the spirit but even the letter of our instructions made the consent of the Nabob Nizam Ally Cawn indispensably necessary to the conclusion of any treaty with Bazalet Jung, the terms of general approval in which we replied to the letter from the Select Committee of the 31st December 1778 cannot be understood to commit us for the sanction of any treaty afterwards ratified with Bazalet Jung without the knowledge or privity of the Nizam his superior. And that this was our fixed and settled opinion the letter from this Presidency dated the 23rd October 1775 will sufficiently prove, wherein we express ourselves to this effect: "As we observe you have addressed the Nabob Nizam Ally Cawn, through your President, in the terms we had suggested for the removal of the Europeans out of the Gantoor Circar, and for the purpose of obtaining *his consent* for the reversion of that district to the Company, we shall wait to hear the result of that letter before we send you any further instructions upon that head."

But even supposing it should be urged, on the other hand, by the Select Committee in their defence that as they transmitted us as early as it was in their

power copies of the proposals they had received from Bazalet Jung, and copy of the treaty intended to be concluded with him, and as our sanction was previously obtained to them, that they were therefore justified in the subsequent negociation which occasioned the present treaty, I beg leave to contend that in our answer to these propositions we approved *generally*; and by a discretionary latitude being afforded to them to act as the principles of justice and the faith of nations required, any deviation from those principles, and that good faith which in the original letters of 1775 were pointed out and prescribed to them, and ought even, if not expressed, to have been so understood, in the very moment that it acquits us, throws the whole responsibility upon them. But let us trace them a little further. From the 31st December 1778 to the 18th of February 1780 (an interval of more than a twelvemonth) a total silence ensued on the part of the Select Committee; but on the 18th February, recollecting that if it was incumbent upon them to obtain the sanction of the Governor-General and Council to the treaty with Bazalet Jung, it was equally proper to apprize them when it was actually concluded, they condescended to inform us at the distance of above nine months from the time of its ratification "that, in consequence of the sanction they received from us to enter into a defensive treaty with Bazalet Jung, in order to obtain possession of Gantoor Circar, they did in *the month of April last* execute such an agreement with him as appeared necessary at that time to secure the principal object, leaving it to a future period to settle the subordinate articles, and execute the treaty in form in virtue of that agreement (a copy of which is inclosed for our information). The Circar of Gantoor was granted to the Company at rent, and they, as required by the agreement, ordered a detachment of troops to proceed into Bazalet Jung's own territories for their protection in the room of Mr. Lally's party which he had dismissed." The very same letter from which the above quotation is taken proceeds in stating the difficulties which had arisen from the treaty having been settled in the manner it was with Bazalet Jung, and which it required no extraordinary portion of understanding to have foreseen *must* have arisen, when a dependent negociates with any other power, and executes a treaty without the participation or immediate consent of his sovereign. I pass over in this place as beneath the dignity of liberal investigation the apparent tenderness shewn to Bazalet Jung by stopping the march of the detachment, and thereby complying *instantly* (to use their own words) "with that part of his request about which he seemed the most anxious," and the concealed policy in retaining possession of the Circar of Gantoor for the private purposes of the Nabob Wallu Jah, to whom it had been given at rent, and thereby fomenting the jealousy on the part of Hyder and Nizam Ally Cawn which had been therefore very properly urged by Bazalet Jung as an inducement in itself sufficient for delivering back the Circar and relieving him from his embarrassments.

The Board being now able, from what has been already submitted to them, to judge for themselves, and knowing likewise what their subsequent instructions have been, a declaration that the treaty entered into with Bazalet Jung without the participation or consent of the Nabob Nizam Ally Cawn has had *our* sanction betrays great wantonness and temerity without any foundation in truth. In proof of which allegation I revert to a minute delivered by me on the 25th October 1779, wherein I take notice of the original instructions transmitted by the Select Committee of Fort St. George to Mr. Hollond at Hydrabad, and the tenor of his subsequent orders which induced us to come to the *unanimous* resolution of interposing our authority; and I then follow it with observing that when the original instructions were "to explain to the Nabob the nature and urgency of the impending negotiation with Bazalet Jung and to engage *his* concurrence in it, and *his* sanction to such engagements as might be concluded with Bazalet Jung, *the treaty nevertheless with Balalet Jung was concluded and avowed without the participation of his immediate sovereign and their ally.*"

I should neither have given myself the trouble of being so explicit respecting facts, nor should I have exercised the patience of the Board, if I did not think the other members of it equally solicitous with myself to vindicate the consistency of their deliberations, and to rescue their intentions from being either ignorantly or wilfully misconceived.

More is not wanting at present in order to complete this narrative as to the facts intended to be established by it, than merely to add that from a conviction of the necessity of the measure, we did on the 12th June positively direct that the Circar of Gantoor should be forthwith restored to Bazalet Jung. Though this requisition was made to the Select Committee of Fort St. George in such terms as rendered a single moment's hesitation on their parts unjustifiable, they proceeded to such indecency as to suffer our letter of the 12th June to remain unanswered till the 3rd of September, frequent advices on other matters having in the intermediate space been transmitted. In their letters of the 3rd of September they acquaint us for the first time that the Circar of Gantoor had been rented to the Nabob Mahomed Ally Cawn, a transaction for which we had before been indebted to private communication alone, and though it was the mainspring from which every secondary movement might be perfectly traced, it was industriously kept back, and only now brought to light for the sole purpose of sheltering an obstinate resistance to lawful authority under a plea of political expediency. We are given to understand "that they were disposed to comply with our requisition, but that difficulties were apprehended from an unwillingness in the Nabob to relinquish his rights, that they had made such and such representations to the Nabob and whenever his answer should be received they would not fail to advise us." We have patiently waited the issue of some determination or other from the 3rd of September to the 17th. Letters have been received from Fort St. George dated the 17th without a syllable about the Gantoor Circar, such has been the conduct of the Select Committee of Fort St. George. To accomplish the treaty with Bazalet Jung, and by that means to secure the Gantoor Circar to Mahomed Ally, they violated another treaty in actual existence between the Company and the Nizam. When the knowledge of this business reached the Nizam, and when Bazalet Jung, too late convinced of the jealousy it had excited on the part of his brother and Hyder Ally, and finding himself surrounded with difficulties, the continuance of which portended everything dangerous to his affairs, desired to be released from the treaty, declaring at the same time his inability to fulfil it, they accept just as much of his request as it suited them to accept—they give orders for stopping the march of the detachment—but they retain possession of the Circar. Whereas from the moment that Bazalet Jung proclaimed his inability to fulfil the condition of the treaty, and desired not only that the march of the detachment should be stopped, but that the Circar should be given back to him, from *that* moment the treaty was *ipso facto* void and the Circar ought to have been restored, or it was binding in every part of it. In the second instance, therefore, they broke the treaty entered into with Bazalet Jung. But in the last instance their behaviour to this Government leaves them without the colour of an excuse. On the 12th June they receive a letter from the Supreme Board with positive injunctions to put a particular measure into execution; they treat the orders with so much indifference as to postpone carrying them into effect, and think any time soon enough to say why they have not paid them obedience. When they do however resolve to say something (which was not till the 3rd September), they content themselves with evading instant compliance under plea of difficulties started by the Nabob. But when it is recollected that the Select Committee in their letter of the 3rd September inform us that they had actually made representations to the Nabob, when we know that we have received letters from them, dated the 17th September, that even from their own account the letter they had written to the Nabob must have been in his possession above a fortnight, and that from the 3rd of September to the 17th they delayed procuring any answer whatever, although a constant—I might almost add a daily—communication subsisted between the Nabob and the Governor, and his residence was within the town walls, when it is evident that the subject of the letter from the Select Committee to the Nabob could not have comprised in it a number of specific articles which would have taken a length of time to reply to, that there could be no references to accounts no voluminous matter to wade through, nothing, in short, to which a tedious or minute examination was necessary—when we combine all these circumstances together and reflect that the letter could have contained simply one plain proposition—whether or not the Nabob would give up the Gantoor Circar, which required not a day, no not an hour, to determine, I maintain it was the duty of

the Select Committee to have exacted a positive answer from the Nabob without admitting any frivolous pretence for delay, and that the difficulties they had alleged in extenuation of their misconduct were beneath them to offer, and unworthy of us to receive.

For these reasons, which I will now draw into one point, the better to impress the Board with the full scope and design of this minute. For an attempt in the Select Committee of Fort St. George to make a treaty with the Nabob Bazalet Jung in direct violation of a former treaty then subsisting between the Company and the Nabob Nizam Ally Cawn.

For presuming to hold the Circar of Gantoor at all events in defiance of a requisition from the Governor-General and Council peremptorily made to restore it, and for refusing to withdraw their troops therefrom, and to remove their Agents and Collectors from it,—knowing as they did that we had formally pledged the faith of the Company to the Nabob Nizam Ally Cawn for both these points, thereby degrading the authority, weakening the energy, and preventing the efficacy of the powers of this Government.

For the contemptuous indifference shewn to this Board and the want of even common respect in suffering so long a time to elapse before they replied to orders of such importance, or allowed them any consideration, and even when they did, for eluding the effect of those orders.

And lastly, for the insult offered to the high commission which we bear in permitting any other claims to stand in competition with the deliberate resolves of the Government.

Under circumstances of such aggravation, so unpardonable in their very nature, and so dangerous in their consequences that nothing short of instant example can preserve the supremacy of the responsible Government and give credit to its acts, I now move that John Whitehill, Esq., be suspended from his office of President and Governor of Fort St. George by order of the Governor-General and Council of this Presidency, according to the Regulating Act of Parliament of the 13th of George the III, delegating powers to them for that purpose.

Minutes.

MR. WHELER.—I agree to the suspension of Mr. Whitehill upon the grounds of the Governor-General's declaration, which I perfectly recollect when we addressed the Select Committee of Fort St. George for the recall of the Company's forces on that establishment from the Circar of Gantoor or Mortazanagar. I likewise think that the subsequent conduct of Mr. Whitehill affords sufficient ground for the measure which we are now about to adopt.

MR. FRANCIS.—I do recollect that the Governor-General did make the declaration he speaks of in the beginning of his minute, or to the same effect. I think that there is ground sufficient in law to warrant and justify the immediate removal of Mr. Whitehill, and I am of opinion that the measure is indispensably necessary to the safety of that Presidency. I therefore concur in the motion and will support it by every means in my power.

The Board being of opinion that an act of such consequence ought not to be finally passed without the concurrence of the opinions of all the members constituting this Government in the deliberations upon it, agreed that the above motion and the minutes which follow it be sent to the Commander-in-Chief, and that his opinion be requested on the motion.

Ordered that, upon receipt of the opinion delivered by LIEUTENANT-GENERAL SIR EYRE COOTE on the above subject, should it be found conformable to the opinion of the other members of the Board, the same be recorded in this place; that the Secretary do also recite the resolution of the Board in consequence on this day's Proceedings, and that the letter to Fort St. George notifying it be also recorded after it.

The Governor-General begs leave to lay before the Board the following extract of a letter which he has received from Mr. Hollond, under date the 12th

August, that applying as it does to the subject of this day's debate, and shewing the effect which the conduct observed by the President and Select Committee of Fort St. George towards the Nabob Nizam Ally Cawn has produced in the general state of the Company's political concerns in India, it may receive a place in the records of this day's Proceedings.

Extract of a letter from Mr. Hollond *to the Hon'ble the Governor-General, dated the 12th August 1780.*

In conformity to the order contained in your letter of the 21st June, I immediately waited on His Highness and made known to him the information you had received of the part he has been reported to have taken in the councils of our enemies the Mharattas. I told him that from the friendship subsisting between His Highness and the Company you were willing to hope that such information was without foundation; that, if true, the line His Highness had taken was hostile to the Company, and being an aggression on His Highness's part would justify whatever might happen in consequence between the Company and him; that the account which had been given to you relative to His Highness's interference in our quarrel with the Mharattas had stated that he had advised the employing the armies of Scindia and Holkar against General Goddard; those of Berar in an invasion of Bengal, and the dominions of our ally the Nabob of Oude, while he himself engaged to invade the Circar of Cecacol, &c.; that to overcome the repugnance which the Government of Berar had shewn to take part in the war he had threatened it with the effects of his resentment; and that he had sent a kellat to the Commander of the army appointed for that service. I then requested His Highness would inform me whether there was any or what foundation for the above reports.

His Highness very explicitly acknowledged that parts of what you had heard as above stated was true. He said that Moodajee Boosla, who was connected both by family and political interests with the Government of Poonah, had been of course called upon by that Government to join them in repelling the attack that had been made on them by the Company in conjunction with Ragonaut Row; that as the Berar and Poonah people were one and the same, their interests were accordingly united and their existence as a nation depended on mutual support; that the Berar Raja was accordingly, on the requisition of assistance made by the Poonah Ministry, prepared to join them, and applied to him to know whether he might do it without danger to his own possessions; that having at that time, as he conceives, suffered a great indignity and injustice by the measure we had adopted of forming an alliance with Bazalet Jung, of sending our troops to take possession of the Gantoor Circar, and of demanding the remission of the peshcush, we might well suppose that he should naturally have been more inclined at such a crisis to unite with our enemies than to restrain them from acting against us, as their resentment arising from their own quarrel might dictate; that the Berar Raja's application to him proceeded from the apprehension he was under for his own country lest, during the absence of his army, it might be subject to an attack from his Highness's troops; that he thought himself fully justified on that occasion in declaring that if the Berar Raja proceeded against us, his country should receive no molestation from him; that he should indeed have been glad to have had it in his power to act the part of a friend, and to have prevented the Berar Raja from taking part in the dispute, but the acting such part was not required by any of the articles of the alliance, and at a juncture when he thought himself highly injured was what could not have been reasonably expected; that the conduct we had pursued regarding the peshcush and the Gantoor Circars and the situation of his own affairs was too critical as well as vexatious to admit of his taking any measures in our support; that he had accordingly declared the Berar Raja at liberty to pursue his own predetermined and voluntary intention of taking an active share of the war; that the kellat he had given to Chirmanjee Boosla was merely in conformity to common usage, it being a compliment which, according to the established ceremonial of this country, he had always been accustomed to pay to all persons charged with a new command; that it was also true he had declared in case of our persisting to refuse him satisfaction regarding the peshcush, &c., that he should attack the Cecacol, Raja Mundry, &c., Circars; that the Poonah

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Ministry, who had been for a long time his allies, had used every possible means at a juncture when they knew he was discontented to incite him to join them, but without effect; that it was now fifteen months since the date of the injury which had given birth to the differences between his Government and the Company's, and although he had now full hopes from the spirit of equity which influenced your conduct that it would be soon redressed, yet to this day he was at an uncertainty, and was, even within a few days past, led to believe from my recall, that the negociation was intended to be entirely broken off.

I cannot say that in the course of my conferences with His Highness I have seen any reason for believing that he is ill-affected to our nation; on the contrary, I am greatly of opinion that he holds a disposition to court our friendship and alliance;—to court us however upon the principle of European politics—a reciprocation of benefits.

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The following is the minute received by the Secretary from Lieutenant-General Sir Eyre Coote on the Governor-General's motion recorded in this consultation.

GHYRETTY, *the 11th* * *October 1780.*

SIR EYRE COOTE.—I agree to the suspension of Mr. Whitehill upon the grounds of the Governor-General's declarations as a measure to preserve and support the authority of the Supreme Government. We must from the powers vested in us be held responsible for the consequences of those acts of disobedience which we suffer to pass unnoticed or uncorrected.

E. C.

—— ————.

Mr Whitehill suspended from the Government of Fort St. George.

Resolved that JOHN WHITEHILL, Esq., be suspended from his office of President and Governor of Fort St. George by order of the Governor-General and Council residing at this Presidency, according to the Regulating Act of Parliament of the 13th George III, delegating powers to us for that purpose.

Agreed that the following letter be written to the President and Select Committee of Fort St. George.

To the Hon'ble the President and Select Committee of Fort St. George.

GENTLEMEN,—We have been favored with your letter of the 3rd ultimo, in answer to the one which we addressed on the 12th June.

You plead the importance of the requisition contained in our letter, added to the troubles which soon followed the receipt of it, as an apology for not sending an earlier answer; you justify the treaty concluded with Bazalet Jung without the participation of his superior the Nabob Nizam Ally Cawn, against the charge of having infringed the treaty of 1768, adding that it had the sanction of our consent and approbation · that your are willing to deliver back to Bazalet Jung the Circar of Gantoor obtained by the treaty, but that a difficulty had occurred which you were heartily disposed to remove, and would use your utmost endeavours for that propose,—namely, that you had farmed the Circar of Gantoor to the Nabob Waulajah, and that you had written a letter to him representing what we had urged as to the expediency of giving up the Circar of Gantoor in compliance with the desire of the Nizam, and expressing your hope that he would relinquish his claim upon it as a renter; and that so soon as you received his answer, you would acquaint us with it, and do every thing in your power to expedite this business agreeable to our wishes. To this point we shall separately reply.

The importance of our requisition demanded your instant attention and unconditional obedience; nor could the troubles which intervened afford any real impediment to so simple an act, or prevent your returning an earlier answer to our letter, had you chose to carry our orders into execution, since all that was necessary for your reply plainly and obviously amounted to this,—that you had received our letter; that you had communicated its contents to the

* *Sic* in original.

Nabob Waulajah; that you had withdrawn your troops from the Circar of Gantoor, and required the Nabob to remove from it all Agents and Collectors belonging to him.

Instead of this, it is evident that our letter must have remained in your possession for above the space of two months before you thought it worthy of the smallest regard, because when your answer was written (which was not till the 3rd September) you confess you had only then made the Nabob acquainted with our determination.

Whether the treaty concluded with Bazalet Jung were, or were not, an infringement of the treaty of 1768 existing with the Nabob Nizam Ally Cawn ceased to be a question from the very moment that we had refused our assent to it, and agreed to yield up the conditions obtained by it.

It is true that in our reply to your letter of the 31st December 1778, wherein you first mentioned the treaty negociated with Bazalet Jung, we gave our assent to it *generally*, which by no means implied that extent of latitude which you have taken, but required to be used with reference to the condition in which it had our original sanction, and which without any declaration on your part, or any authority expressed on ours, ought always to be undertood as the superior, indispensable, and permanent condition in all negotiations and in all acts of Government the *faith of treaties actually existing*.

The following extract of a letter from this Presidency, dated the 23rd October 1775, is introduced here as a proof of what our sentiments then were on this subject, and is a part of the correspondence quoted by you as conveying "ample authority from us to the then Government to proceed in effecting the dismission of the French troops from the service of Bazalet Jung by treaty or in any other manner they might think proper."

"As we observe you have addressed the Nabob Nizam Ally Cawn through your President in the terms we had suggested for the removal of the Europeans out of the Gantoor Circar, and for the purpose of obtaining his consent for the reversion of that district to the Company, we shall wait to hear the result of that letter before we send you any further instructions on that head."

When therefore we gave our assent generally to the terms of the treaty marked out in your letter of the 31st December 1778, we had no more of your proceedings before us than what you had chosen to make known to us in that letter, and these formed of course the limits of our approbation. We know not that you had wholly omitted the Nabob Nizam Ally Cawn in the negociation. We could not therefore authorise *what* you had concealed from our knowledge; much less ought our sanction to have been supposed by construction to an act which pledged the faith of the Company in one instance by the sacrifice of it in another, and bore in its formation the principles of its own dissolution. But as soon as we were acquainted with it, and were enabled to give it our attention, we declared our disapprobation of it, and then first interposed our authority to prevent it from taking effect by requiring the instant surrender of the Circar of Gantoor.

We cannot pass over this period of the transaction without observing that although the treaty with Bazalet Jung was concluded in the month of April 1779, it was not till the 18th February 1780 that you thought proper to advise us of it, and apparently for the only purpose of informing us at the same time of the difficulties which you had subsequently met with from the protest of the Nabob Nizam Ally Cawn, the menaces of Hyder Ally, and the retraction of his concurrence by the Nabob Bazalet Jung himself on the plea of his inability to maintain it.

Whatever obligation our sanction, given in the manner which has been explained, to the draft of the treaty proposed to Bazalet Jung in December 1778 may be supposed to have conveyed on you to maintain it when made, yet when the party with which it was made declared it invalid on his part, and solicited to be absolved from it, its obligation certainly became void upon yours; and the plea that our sanction had been previously obtained will not avail against our order for restoring the Circar of Gantoor, since even in the existing state of

the treaty it would have been no infringement of it to yield up any right obtained by it, much less would it have been liable to such a construction when the reciprocal condition of it had been annihilated.

But your opposition to our orders in this instance was not only not incumbent upon you from the engagements of the treaty, but was in effect a violation of it, since the revenue of the Circar of Gantoor had been assigned to you by it only as a subsidy for the military force which you had stipulated to furnish him at your own solicitation, in the room of the French party under Monsieur Lally, which he had long retained in his service, and which at your solicitation also he had consented to dismiss, and had actually dismissed. When therefore he declined the acceptance of that aid and you had already profited by his good faith in the dismission of Monsieur Lally, we know not upon what right you could retain possession of the land which had been assigned as an equivalent for that aid, or how an act of such apparent violence could be reconciled to the treaty, from which, by his rejection of the only condition intended for his benefit, your Government derived every advantage ostensibly proposed to be obtained by it, and his none.

The plea which you allege of difficulties arising from your engagements with the Nabob Waulajah comes last under consideration, and is indeed too serious not to be dwelt upon more particularly. The more we reflect upon it, the more we are at a loss to conceive how you could so far forget that respect which was due to our authority, and the faith which we informed you we had pledged to the Nabob Nizam Ally Cawn, as to admit of a moment's hesitation in the performance of our orders. But when we read your loose, indefinite, vague promises of your *assistance* in prompting our *wishes* instead of *an instant conformity to our injunctions*, we have but too much reason to suspect such a conduct as an intended cover to a fixed resolution not to obey us, under the idea of the Nabob's claims being of sufficient weight to postpone the execution of a peremptory requisition from us, and to make it optional in the Nabob whether he will give up the Circar of Gantoor or not, as his own convenience, or perhaps even his caprice, shall determine. And this appears the more striking when we recollect that in your letter of the 3rd September you inform us that you had actually made representations to the Nabob; when we have received letters from you, dated the 17th September, when even from your own accounts the letter which you had written to the Nabob must have been in his possession above a fortnight, and when from the 3rd of September to the 17th you delayed procuring any answer whatever, although a constant, we might add, a daily communication subsists between the Nabob and the Governor, and his residence is within your own walls; and when it is evident that the subject of the letter from you to the Nabob could not have comprised in it a number of specific articles which would have taken a length of time to reply to, that there could be no references to accounts, no voluminous matter to wade through, nothing, in short, to which a tedious or minute examination was necessary. And when we combine all these circumstances together, and reflect that the letter could have contained simply one plain proposition, whether or not the Nabob would give up the Gantoor Circar, which required not a day, no, not an hour, to determine, we maintain that it was your duty to have exacted a positive answer from the Nabob without admitting any pretence for delay, and that the difficulties which you have alleged in extenuation of your misconduct were beneath you to offer, and unworthy of us to receive.

Your conduct has exposed us to the reproaches and derision of the Nabob Nizam Ally Cawn, who has openly taxed us with having attempted to amuse him with promises which though solemnly made we have not the ability to perform, nor has he scrupled to avow himself the adviser of the confederacy, the effect of which you yourselves have recently and too fatally experienced, justifying it by the aggravated injuries which he had sustained in this particular instance, and in the offensive demands made on him through your late Minister, Mr. Hollond. To what lengths of resentment he may proceed we cannot foresee. He has indeed given us assurances of his pacific intentions whenever he shall obtain the effects of our promises, and a reparation for the violation of his rights and of the treaty subsisting between him and the Company.

Whatever may be the sincerity of these professions, we are morally certain that, but for our intervention, he would have become the declared enemy of the Company, and if he shall yet prove such in consequence of any actual, but latent impression, we shall impute it solely to you as the aggressors.

Nor is it on his part only that we have to dread the consequences of your contempt of our authority. We have found it necessary to make abrupt advances for peace to the Mharatta State, and to seek other alliances as the means of attaining and confirming it. But what prince or State will without much hesitation involve themselves in engagements with a power which cannot protect them against its own dependants, or who will trust to the faith of our treaties which they have seen hitherto violated by you with impunity? Such is the situation to which you have reduced us, and we submit to the necessity which it imposes upon us, because we feel ourselves impelled by a sense of duty which renders us superior to every other consideration.

We now proceed to sum up all that has been already stated, and to form the several facts into distinct charges.

You have attempted to make a treaty with the Nabob Bazalet Jung in direct violation of the former treaty then subsisting between the Company and the Nabob Nizam Ally Cawn.

You have presumed to hold the Circar of Gantoor or Mortazanagur at all events in defiance of a requisition from the Governor-General and Council peremptorily made to restore it, and you have refused to withdraw your troops and to remove your Agents and Collectors from it, knowing as you did that we had formally pledged the faith of the Company to the Nabob Nizam Ally Cawn for both these points, thereby degrading the authority, weakening the energy, and preventing the efficacy of the powers of this Government.

You have shown a contemptuous indifference to the Governor-General and Council, and a want of even common respect, in suffering a dangerous length of time to elapse before you replied to orders of such importance, or allowed them any consideration, and even when you did, you eluded the effect of those orders.

You have offered an insult to the high commission which we bear in permitting other claims to stand in competition with the deliberate resolves of this Government.

In a word, you have made orders for commencing hostilities, and you have negociated and concluded a treaty of peace, without the consent and approbation of the Governor-General and Council first had and obtained.

Under circumstances of such aggravation, so unpardonable in their very natures, and so dangerous in their consequences, that nothing short of instant example can preserve the supremacy of the responsible Government, and give credit to its acts, we have resolved that John Whitehill, Esq., be suspended from his office of President and Governor of Fort St. George, and we declare him to be suspended in virtue of the power granted to us, the Governor-General and Council of Bengal, for the purpose by the Regulating Act of Parliament of the 13th of His present Majesty.

It is neither our desire to extend an act of this nature beyond the line prescribed for the assertion of the public rights entrusted to our charge, nor should we be justified in such an indiscriminating rigor, which by involving every person in the effects of a conduct ostensibly common to all might fall, as we believe it would, on some whose opinions, had they prevailed, would have prevented the grievances of which we complain.

On you, gentlemen, to whom the charge of affairs will eventually be committed, we place the most implicit reliance for the redress of past evils; for a zealous and united exertion of every means which may tend to retrieve the misfortunes to which, from whatever causes, your affairs have lately been subjected, and for a liberal co-operation with us for the same great ends.

FORT WILLIAM,

The 10th October 1780.

Agreed that the following letter be written to the President and Council at Fort St. George:—

To the Hon'ble the President and Council at Fort St. George.

GENTLEMEN,—Having for good and sufficient measures stated in a letter to the President and Select Committee of this date, a copy of which we send to you enclosed, resolved to suspend John Whitehill, Esq., from his office of President and Governor of Fort St. George, we do hereby order and declare John Whitehill, Esq., suspended from his office of President and Governor of Fort St. George, agreeable to powers delegated to us for that purpose, by the Act of the 13th of His present Majesty, and to this order and declaration we direct you pay implicit obedience and attention.

We are,

FORT WILLIAM,

The 10th October 1780.

Secret Dept. Fort William, the 26th October 1780.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, *absent on service.*

The Proceedings of the 13th instant read and approved.

The following letters from MR. TURING, Chief at Ganjam, having been received on the 18th instant, and circulated, the letters which are entered after them were written to MR. TURING, Chief at Ganjam, and to MR. CASAMAIJOR, Chief at Vizagapatam.

HON'BLE SIR AND SIRS,—I learn this instant by letters to Lieutenant Rice and Captain Bruce, who happen to be just now with me at Ganjam, there has been a mutiny at Vizagapatam of 7 companies of the 1st Circar Battalion, and that Captain Brule, who was lately confined for some treasonable correspondence, has been released, and now commands the mutineers, and is in possession of Vizagapatam. Several gentlemen have been killed, and the Chief, Mr. Casamaijor, and some others are prisoners. I enclose copies of the letters containing all the information I have received.

There is only one battalion in this district, but I have ordered Captain Bruce to proceed immediately from Aska, where he is stationed, with six companies of seapoys, and join what troops he can assemble at Chicacole, and act to the best of his judgment according to circumstances in reducing the mutineers, and if possible, regain possession of the factory, and release the prisoners.

At all events I think it necessary to give you the earliest information, as it may be in your power to send a force by sea to assist in suppressing this mutiny and averting the alarming consequences.

The moment I have any further intelligence, I shall not fail to communicate it to your honour, &c.

I am, with respect, &c.,

JOHN TURING.

GANJAM,
The 6th October 1780.

SIR,—The Grenadiers, to the unexpected astonishment of us all, mutinied yesterday evening. They were to embark after dinner; had in the morning received two months' pay in advance, and were seemingly not dissatisfied to go on board-ship. About twenty gentlemen dined at the Chief's. When we broke up and were approaching towards their parade for to see them marched off, they fired upon us, killed Chrispe, Johnson, Rutherfurd, Drake, the *Lord* and Purser of the *Sartine*, and I don't know who else, but suppose many others must have fallen. Lane, Meulh, Griffiths, Gregory, Charlton, Stocho, Mrs. Lane, Mr. Barlow, Mrs. Lysaught with her new-born infant and myself with much difficulty got here under an escort of a few sepoys. Our escape was very fortunate. I hear the Chief and five others are prisoners, but every military man, particularly Europeans, that fell in their way met with no quarter. The five companies of the 1st battalion doing the garrison duty were compelled to join them. Shew this letter to Mr. Russel.

If you have not despatched Captain Lysaught's money, detain it in your hands until the times are more tranquil, and should it be in the road have it recalled, for should it come this way, it will certainly fall into bad hands. Adieu.

Yours truly,

J. RUSSELL.

Maxton received a ball in his forehead, which I am afraid, he will not recover of. The poor invalids were massacred like dogs. I have wrote Mr. Carty at Chicacole to stop Lysaught's money should it come there, and wait your orders. Of course you will write him what to do, I observed to him in case he should be ordered from thence to act as his judgment directed.

My fears are great that the sepoys at Chicacole will prove refractory, and surrounded with enemies as we are all round here, I am afraid advices will not readily reach Masulipatam, from whence we may receive succours to regain the factory. From your settlement despatches may be readily sent to Bengal for such, as I suppose your district is unable to afford us relief.

Bemlipatam.

A true copy,

The 4th October 1780. (Sd.) JOHN TURING.

SIR,—Have an eye to your people: keep your Europeans together and station them with the lascars, whom I believe would be faithful at the guns, and conciliate, as much as possible, your old commandant,—in short, take every measure which the occassion dictates to avert the fatal treachery which we have experienced at Vizagapatam instigated by Sheik Mahomed (Subedar of my 1st Grenadiers), assisted by Bokker Beg and Havildars of the 5th. My two companies revolted almost at the moment of embarkation, possessed themselves of the guns at parade, released Brule, and as the gentlemen of the factory issued forth from the Chief's, where much the greatest part had been assembled at dinner, they, to their utter astonishment, encountered a fire of musketry from their own sepoys, and which I have too much reason to apprehend was fatal to many of our poor devoted friends. Maxton I saw wounded, and a person whom I suppose to be Rutherfurd fallen, but as yet the few who have arrived at this asylum are furnished with no certainty how far the cruelty of these villains have extended. During this scene of horror, the greatest part of the two Grenadier companies of the 5th drew up at the gateway near the Chief's; they shewed a solicitude for the preservation of the few, *viz.*, Russell, Griffiths, Meulh, Gregory and myself, but such was the impression that the circumstances of this horrid treachery had made upon their minds, they were utterly averse to the advancing and to the repelling of it: they argued the impossibility of it from the mutineers having posses-

sion of the guns, and those of the five companies who garrisoned the place and who were at that time in the barracks having joined through fear or inclination. They at length faced to the right, I believe by a kind of voluntary impulse, for I did not hear a word of command. Finding things thus circumstanced I became solicitous for the preservation, if possible, of the poor women. Mahomed Hussein, Subedar of the Second Company, his jemadar, and about half dozen men joining me, I repaired to Mrs. Barlow's, where I found Mrs. Lysaught, Mrs. Lane, and Mrs. Barlow under the care of Charlton; the former with her new-born babe were soon put into a palankeen, and joined the two companies who were moving down the Voltaire Road. Mrs. Barlow, Mrs. Lane, Mr. Charlton and myself with these few retainers, and some additions on the march, accomplished our escape on foot, and happily arrived here about midnight. Palankeens were sent out as soon as intimation was received at Bemlipatam, and I believe without their assistance Mrs. Barlow and Mrs. Lane would have fallen under the excess of fatigue. I am just arisen, fatigue impelled sleep, and the state of my mind is not well to be described. Let me hear from you immediately.

Yours very sincerely,

THOMAS LANE.

Secret Dept. Fort William, the 13th November 1780.

Monday. AT A COUNCIL PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

PHILIP FRANCIS, ESQ.

EDWARD WHEELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, *absent on service.*

The Proceedings of the 2nd instant read and approved

The following minute from the Governor-General having been received on the 15th instant, it was circulated for the perusal of the Members of the Board.

GOVERNOR-GENERAL.—I have suffered Mr. Francis's minute of the 11th September to lie thus long unanswered, because other cases of a stronger obligation have required and have engrossed the whole of my attention, and I now revert to it with reluctance, as to a necessary, yet unavailing, duty. To pass in utter silence the assertions of Mr. Francis would be implicitly to admit their credit, nor can I enter on their refutation without appearing to claim the public notice to an argument of a private concern, for such it may be deemed in the present state of it, though originating from a very different source. I shall therefore begin by stating the original question on its proper ground, and shall proceed as briefly as possible to put it from the false colourings which may have been thrown upon it.

Let it be remembered that I am a servant of the Company and of the public, and entrusted with the interests of both. In that character I have charged Mr. Francis with having used very unjustifiable means to deprive me of the power which I possessed of fulfilling that trust. My charge is less a complaint against him than a vindication of myself. This is a general state of the question. The particular instance relating to it is, that Mr. Francis has broken an engagement on his part, to allow me the entire and unconditional exercise of that trust, and to support me in it. This I affirm and he denies.

What that engagement was I have expressed in terms in my minute of the 3rd July. Mr. Francis in answer declares, and "in the most solemn manner, that he never was party to the engagement stated by me, or had a thought of being bound by it."

What can I say to such a declaration, but to declare on my part and in as solemn a manner that Mr. Francis was a party to the engagement which I have stated? This I now do most solemnly declare, and may God be the judge between us.

The manner in which it was concluded I will now relate. About the month of January last, Sir John Day proposed to me an accommodation with Mr. Francis, and offered his mediation to effect it, judging himself to be the best qualified for such an office by the relation in which he stood of a common and equal friend to both. I cheerfully accepted the offer, but apprized him that there was one preliminary condition which I should exact as indispensable, namely, that Mr. Francis should agree to depart from his opposition to the political measures proposed by me, and allow me, without exception or qualification, to prescribe the mode of conducting the Mharatta War. This point was a long time contested by Mr. Francis, but was at length adjusted finally in this manner, that Mr. Francis should not oppose me, nor yet charge himself with the responsibility of any proposal made by me which had any relation to the war, but support it by his vote, as the result of a general measure which he had originally disapproved, and which he now left with the responsibility properly annexed to its original contriver.

This point being thus settled, I drew it up in writing on a small piece of paper in the words which I have already quoted, with other propositions, of which some had, and some had not, received our final and mutual agreement.

This paper with some apology I shewed to Mr. Francis, desiring him to read it attentively and to inform me whether he agreed to the conditions as I had expressed them, or to point out his exceptions. To the first article, which is that of the present question, he replied hastily, and with every appearance of satisfaction, that he entirely aged to it, adding among other expressions, as I well remember, that his meaning plainly was not to avail himself of Mr. Barwell's departure from the Council to oppose me in any political point which he could not have carried had Mr. Barwell continued.

The other articles received some variations and were all finally regulated at the same meeting. Of these, as they do not relate to the question before me, I shall take no further notice. For the truth of this narrative I appeal to Sir John Day, to whom I daily communicated what passed on this business, and to Mr. Barwell, to whom I in like manner related the daily progress of it. They will both attest that my relation of it at the time was exactly the same as I now repeat it. It is impossible to suggest a motive which I could have had to deceive them at such a time and on such a subject, and as impossible that I myself should be deceived when I took such means to ascertain it. Yet Mr. Francis affirms that "he returned the paper to me the moment he had read it with a declaration that he did not agree to it, or hold himself bound by the contents of it."

But if I understand Mr. Francis's minute in its general tenor, it is intended to convey a total disavowal of his having entered into any engagement whatever with me. He speaks of "the agreement which he *meant* to enter into with respect to the Mharatta War;" he says that he thought some agreement between Mr. Hastings, Mr. Wheler and himself was essentially necessary to the public safety; he therefore met Mr. Hastings with a sincere *disposition* to *come* to an agreement, and to forward it with every facility on his part." Yet in no part of the minute, neither in the context of these passages, where it might be expected, nor in any other place, can I find an expression which indicates an acknowledgment that any agreement did actually take place, although such was his *meaning*, although he thought it *necessary to the public safety* and *met me* with so sincere a *disposition* to forward it by every facility on his part.

If Mr. Francis does not deny the agreement, why are these qualifying expressions used to evade it? If he means to deny it, what possible reason can be assigned for its not having been concluded, or for such a repugnance on my part to second a disposition so favorable on his, when the consequence of my suffering Mr. Barwell to depart without some adjustment would be a total annihilation of my influence and participation in all the acts of this Government?

But that there did exist some engagement between us, I appeal to Mr. Wheler, "without whose knowledge and participation" Mr. Francis affirms that "nothing of any moment was said or done during the whole course of the transaction."

I appeal to every individual of the settlement for the notoriety of it, which is beyond the conviction of all evidence.

Mr. Francis has attempted to prove that the agreement which he *meant* to enter into with respect to the Mharatta War was to prosecute the operations actually existing on the Malabar Coast and no more, by arguments drawn from my own propositions. These might prove my sense of an agreement actually concluded, but are no evidence of his intention on a point which was never brought to issue. But in effect they prove nothing. My proposition of the 29th May was the substitute of one much more extensive which I had formed for the relief of Captain Popham's detachment by four regular battalions under Major Carnac, and for the employment of Captain Popham's corps on another service. At Mr. Francis's instance I omitted the latter clause, and yielded, very reluctantly I own, to recall and reduce Captain Popham's corps. This was by every opinion judged unfit by its construction and equipment for the service, and I was glad to obtain almost at any rate the quiet concurrence of the Board to its exchange for a better. It is possible that at that time I might not have had in view the immediate prosecution of the expedition against Malwa, nor is this material either to the engagement which I affirm Mr. Francis did conclude with me, or to the agreement, which he says, he meant to enter into since the prosecution of the war against the Mharattas was the general object of both, and the means of course included in it. But that I certainly had this plan in contemplation, and that I had considered it as a decided measure long before the period of my supposed coalition with Mr. Francis, will appear from the treaty concluded with the Rana of Ghod, of which it forms an express and principal stipulation. To remove all possibility of doubt on this head I will quote the article itself which relates to it: "Article 5th.—In case it shall be adjudged advisable to employ the combined forces of the Company and the Maharaja in any hostile operations against the Mharattas beyond the borders of the Maharaja's dominions, on requisition made to him in writing from this Government, he shall furnish ten thousand horse for such service, and each party shall bear his own separate expense, and if upon the return of the English forces towards their own borders the Maharaja shall have occasion for their services and shall make a requisition to retain them, from the instant of such requisition, he shall pay their charge in the same manner as stipulated in the 2nd article. But it shall not be required of the Maharaja, nor be in the power of this Government to detach or employ his troops beyond the furthest borders of *Oogein* and Indoor without his special consent."

Hence it appears that the plan of an expedition into Malwa, of which Oogein is the capital, did constitute a part of the general measures adopted, and in force, for the prosecution of the Mharatta War, and must have been necessarily comprehended equally in the agreement which Mr. Francis meant to enter into with me, and in that which I understood him to have entered into. When I proposed the execution of it, other circumstances had recently occurred. General Goddard had solicited us to make such a diversion in his favor, and the Commander-in-Chief had passionately recommended it, as the only means of bringing the war to a speedy termination.

That I regretted the expenses of the war; that I saw no object in the continuance of it that could compensate for the distresses of it, and that, of course, I anxiously wished to accelerate the conclusion of it is certain, and this was an additional incitement to me to use every exertion for that end, knowing that many lacks effectually disbursed with such a purpose were a saving compared to an indefinite series of defensive operations spun out by feeble and scanty supplies

Having already far exceeded the limits which I had prescribed to my reply, I shall pass with speed through the remaining and less parts of Mr. Francis's minute.

The engagement, as I have stated it, was conformable to my opinion of the obligation of Mr. Francis's public office, independently of any private compact. In his situation I should have gone yet further. Having acquitted myself of my duty in opposing a great public measure which I had disapproved, until it had been too far advanced for recall, and would admit of no resource but in a steady prosecution of it to its speedy termination, I should have deemed it criminal to continue the opposition. I should have deemed it insufficient even to withhold it by a negative acquiescence, but should have given as active a support to the measure in such a state of it as if it had my original approbation, leaving the formation of the depending operations, and the responsibility of the whole, to the original author. Such was my declaration at the time—perhaps Mr. Francis will remember it—and on such principles my own conduct has been regulated in more than one instance of my public life.

Mr. Barwell's departure depended on the issue of the negotiation between Mr. Francis and me. It was undetermined to the last moment of the *Swallow's* final dispatch. This Mr. Francis certainly knew, for I myself mentioned it to him, and by the advice of Mr. Barwell. It is a fact which does Mr. Barwell credit, and I have therefore no scruple in revealing it.

W. H.

At Mr. Francis's desire the following minute, dated 27th November, in reply to the preceding from the Governor-General, is entered in this place with the papers annexed to it.

Mr. Francis.—The preceding paper leaves the main question where it stood, nor is it to be decided by any human tribunal.

In my former minute I did not appeal, as I might have done, to the testimony of several gentlemen of the first rank and credit in this place for the sense, which I uniformly expressed to them, of my engagement with Mr. Hastings respecting the Mharatta War, partly because such evidence, however it might establish my declarations, would not be conclusive to the truth of them; but much more because I was unwilling to introduce the names of gentlemen whom I respect into the discussion of such a transaction, or to make them parties in any shape in a question of this nature. The same motives prevail with me still.

Admitting that the means taken by Mr. Hastings to ascertain his sense of what passed between us were proper on his part, and necessary to prevent his being deceived, it was equally necessary that I also should have the same security, and that I should have been furnished with a copy of the paper by which I was supposed to be bound; otherwise, one of the contracting parties remains exclusively possessed of the only existing evidence of the terms of the contract. *In me* it would have been irregular to demand a copy of a paper by which I did not deem myself bound.

No argument or evidence is requisite to prove what never was disputed. I necessarily admit the existence of an engagement when I declare the sense in which I made it. By using terms that referred particularly to my own meaning or intentions, my purpose was to avoid the useless, offensive language of contradiction in a public minute which had no object but to explain and defend my own conduct. This being said, the observations founded on the equivocal import of a word, or on a general misconstruction of my meaning, require no reply.

From the 5th article of the treaty with the Rana of Gohud it can only be inferred that, when the treaty was formed in the beginning of November 1779, the possibility of an expedition *beyond the borders of his dominions* was supposed, in which the Rana was to join and assist if we required it. This might have been one of the distant objects in contemplation when the treaty was constructed. But it still remains a question, whether it was, or was not, relinquished by Mr. Hastings in the interval between that period and the month of February following.

Reasoning strictly from the treaty, I was not obliged to consent to the march of Major Camac's detachment in the form in which it was proposed. The eventual execution of the project of an expedition beyond the borders of the Rana's dominions, according to the terms of the treaty, was united with the condition of his furnishing a body of ten thousand horse for such service; but by the instructions proposed to be given to Major Camac, it will appear that this assistance was not expected from him.

In the 3rd article of the instructions, it is supposed that the Rana may dismiss the detachment or that, before its march into Gohud, the Major might receive an intimation in writing that he did not require his assistance. In the former case, Major Camac is to return into Oude. In the latter, he was to suspend his march, and wait for further orders. By the 4th article Major Camac is directed to "require from the Rana his proportion of cavalry stipulated by the treaty, or in case of his inability, whether from the season of the year, or from whatever other cause, to fulfil the condition in its complete extent, to require and accept from him such other aid in furnishing provisions, and in forming magazines of grain, and other means of subsistence and communication as Major Camac shall judge equivalent to it."

Admitting therefore that, according to the treaty, an expedition into Malwa had constituted a part of the general measures *adopted* and in force for the prosecution of the Mharatta War, my assent to it could not be separated from the condition expressed in the treaty itself, *viz.*, that the Rana should furnish ten thousand horse for that service; but by the plan of Major Camac's instructions this condition is relinquished, and some other demands proposed in the place of it, from which I imagine no great advantage was expected.

I have not seen any letter from General Goddard in which he solicits the Board to make a diversion in his favour: the only one in which he takes notice of the advantages to be obtained by a diversion to the northward was dated the 20th of June and received the 24th of August last, consequently could make no part of an argument in support of a measure proposed and debated here in the beginning of June, nor was it ever mentioned that I know of before this time, as it naturally should have been, when the measure was under deliberation. An extract of that part of his letter is annexed.

In an argument of the kind, the strictest precision of dates should be observed, and the facts stated in the order in which they happened. On this principle I join issue with the Governor-General and affirm in his own terms that *when he proposed the execution of the measure* (that is on the 12th June last) *General Goddard had not solicited us to make a diversion in his favor.* The fact, if it exists, is capable of immediate and direct proof.

But let it be admitted that he had done so, that his opinion or request had been before us on the 12th June, and that it ought to have had a considerable weight in the choice of measures necessary to support him, still it could only have weight at the time when we received it. It is undoubtedly just and natural that General Goddard's advice and recommendation on such a point should have influenced Mr. Hastings's judgment. On this principle I have a right to conclude that in January and February last, when I conversed and engaged with Mr. Hastings on this subject, he had no idea of another expedition from the Upper Country to support General Goddard, because he could not *then* have entertained such an idea without contradicting the express opinion of General Goddard as it stood before us. I appeal to General Goddard's letter to the President and Council of Bombay, dated the 3rd November 1779, and recorded in our Consultation of the 24th February, and to his letter to us of the 10th December 1779 and received here the 20th of January last, from which the extracts annexed to this minute are literally taken.

With this knowledge of General Goddard's statements, it now remains to be accounted for on any probable ground why Mr. Hastings at the latter end of February should have entertained a thought of supporting General Goddard's operations by another expedition from hence when he had it from General Goddard himself that the troops under his command *must be superior*

to any service that could possibly be required of them and equal to the most complete and absolute success.

Whatever plan of operations the Commander-in-Chief might have recommended from Lucknow, it certainly did not meet with the Governor-General's concurrence. Whether Sir Eyre Coote approved of that which was adopted, is a point on which, I am not sufficiently informed to speak with certainty, but I am entitled to conclude generally, from the strong and pointed terms of his protest against the treaty with the Rana of Gohud, that no measures, built on that foundation, were likely to meet with his approbation. The following passage is in point, as it expresses his opinion of an expedition into Malwa, in conjunction with the Rana, on the principles of the treaty. "Again, by the 5th article, when the combined troops may have marched to Oogein, or Indoor, to seek the enemy and deliver battle, the Rana may then, agreeably to treaty, leave us to stand the brunt alone, a point of partial convenience to him, by which, without supposing him to betray us (which he may also do agreeably to treaty), our whole army may be lost."

Other observations on the Governor-General's minute occur to me, but as the remainder of it is not essential to the main question, they may better be omitted.

P. FRANCIS.

Extract of a letter from Brigadier-General Goddard, to the Governor-General and Council, dated 20th June 1780, received 24th August, No. 1.

If Scindia continues at Oogeintill the close of the rains, which I now conceive will be the case, a powerful diversion might be made in that quarter to prevent his passing to the southward of the Nerbuddah to succour Nanna Furnese, and I would venture to pronounce as far as human probability and reason may presume that, without Scindia's aid, the Minister would be immediately compelled to terms, and enter into any engagements that might be required of him. This is no chimerical idea, for besides Scindia and Holcar there remain only two Chiefs of consequence in the State—Nanna and Hurry Punt Fakier; and I do not believe that any foreign power will draw upon himself the future enmity of the English by openly declaring his party and marching to their assistance.

In the event of such powerful diversion being made to the northward, Scindia will find too much employment at home, to have leisure to raise any disturbance in Guzurat; and indeed the sepoy force, which may very well be spared in that province, acting with the troops of Futty Sing, which it may not perhaps be convenient to carry with me to the southward, will prove sufficient for its security and defence against a very large body of the enemy should any considerale army (which in the plan abovementioned appears scarcely practicable) be ordered to enter it.

Extract of a letter from Brigadier-General Goddard, to the President and Council of Bombay, dated 3rd November 1779, No. 2.

The trifling and unequal force the French at present have in India, and the certain accounts we have from Europe, to make us believe, they cannot now be reinforced, secure us from any apprehensions of being interrupted in our operations by them this season, and seems indeed to furnish one very principal reason why we ought to lose no time in strengthening and firmly establishing ourselves during the course of it. The troops which will soon be collected at Surat must be superior to any service that can possibly be acquired of them, and equal to the most complete and absolute success. But the Bengal army, together with the detachment under Colonel Brathwaite at Mahe and such proportion of troops from this settlement as you may judge it expedient and consistent with the mere safety of the island to detach, will be found able to execute any plan of operations that may be immediately resolved upon, and against the whole force of the Mharatta Empire.

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Extract of a letter from Brigadier-General Goddard, to the Governor-General and Council, dated 10th December 1779, received 20th January 1780, No. 3.

I have been thus particular in describing this detachment, that you may know the exact force I shall have under my command, and how fully sufficient to answer any service that may be required of them.

With respect to the troops from Mahe (for of the remaining quota to be furnished by the Madras Presidency I have yet received no intelligence), I do not expect even to be joined by any part of them previous to the commencement of operations—at least their junction is so uncertain that no account can at present be made of the accession of their force, nor indeed will this service be of any material consequence for some time, as the strength of the army now under me is sufficient to accomplish the scheme of conquest at present proposed, and the Madras reinforcements, if sent, must arrive soon enough to assist in prosecuting any more important views that may be hereafter found convenient and practicable.

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The following Minute from the Governor-General was delivered in reply to the above from Mr. Francis.

GOVERNOR-GENERAL.—I must be careful not to suffer myself to be drawn from the point which is directly in question, the engagement which I affirm to have passed between Mr. Francis and myself this I repeat that it may not be forgotten, *viz*:—

"Mr. Francis will not oppose any measures which the Governor-General shall recommend for the prosecution of the war in which we are supposed to be engaged with the Mharattas, or for the general support of the present political system of this Government. Neither will he himself either propose or vote with any other member, who shall propose any measure that shall be contrary to the Governor-General's opinion on these points."

Mr. Francis admits that some engagement did exist between him and me, but denies the terms of it, and I do again most solemnly affirm, that they were literally such as I have quoted them in my minute of the 3rd July and such as I have here repeated. The paper which I showed to Mr. Francis was not intended as a security, nor have I ever alluded to it as such. My security was in his honor, on which I implicitly relied, nor did I commit the terms of the engagement to writing for any other purpose than to guard against the misapprehensions to which an agreement, formed and concluded in conversation only, was liable, and his answer satisfied me. I regarded it as equivalent to the most binding legal instrument. As to my own sense of its obligation, I gave the fullest proof by the immediate performance of my part of it. But were the engagement otherwise than I have represented it, and did it even bear the limited sense which Mr. Francis has ascribed to it, yet I have affirmed that Mr. Francis was equally bound by it to yield his assent, his negative assent for more I claimed not, to the measure which I proposed in June of a diversion in the province of Malwa, since it formed a part of the measures projected and actually existing before the engagement took place. In proof of this I have quoted the 5th article of the treaty with the Rana of Gohud, which stipulates that he shall assist us if required in an expedition against the province of Malwa. I do not understand Mr. Francis's distinction when he says that from this article "it can only be inferred that when the treaty was formed in 1779 the possibility of an expedition beyond the borders of his dominions was supposed, &c., &c. The condition was positive and express, and constituted as essential an obligation of the treaty as either of the other two points which composed it, and which may be equally said to infer the like possibility, since the cases supposed by either could not exist with the other two. But Mr. Francis forgets the purpose for which I have appealed to the 5th article of the treaty with the Rana of Gohud, which was to prove "that the plan of another expedition from the Upper Country into Malwa, or any other part of the Mharatta dominions on that side of India, had been suggested to him, and that I "had had

that matter in contemplation" which Mr. Francis in his minute of the 11th September denies. I have proved that I had it in contemplation, and that it had been suggested to Mr. Francis, since it was an article of a treaty concluded and executed two months before the date of my engagements with Mr. Francis, debated and passed at the Board and executed by him.

"But (Mr. Francis adds) it still remains a question whether it was or was not relinquished by Mr. Hastings in the interval between that period and the month of February following." To this I cannot reply, for I do not know how this became a question, since nothing less than my formal renunciation of it could possibly make it one, and I am certain that I never did renounce it.

The subsequent reasonings of Mr. Francis on the additional clause of the 5th article do not appear to have any relation to the subject. I therefore pass them.

I have not time to examine the whole of General Goddard's correspondence received before the 12th June, but the following extracts from Sir Eyre Coote's letter to the Board, dated the 5th May, and of General Goddard's letter to him, dated the 28th March, and enclosed in the former, contain such strong and pointed evidence of the sentiments of both respecting the general expediency of a diversion in favor of General Goddard, that any further search for accessory proofs is unnecessary.

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To the Hon'ble Warren Hastings, Governor-General, &c, &c., and Members of the Supreme Council.

GENTLEMEN,—I have the honor to enclose you an extract of the last letter I have received from General Goddard, which I take the liberty of laying before you, as it contains sentiments entirely conformable to what I have already stated to you regarding the mode of carrying on the present war, though I did not want such a confirmation of my former ideas upon this subject.

General Goddard now declares himself confined to the defence of the territory newly acquired, which, as I foretold, was a necessary consequence of the plan adopted. I cannot therefore avoid reiterating my proposal of some vigorous measures being taken from these quarters as soon as the season will admit. This appears to be the more pressing as I find, since I have left the Board, that we are become principals in the war, and the present plan promises nothing but an endless ruinous expense.

I therefore beg leave to repeat that while I recommend the most vigorous exertions, it is only with a view to accelerate a peace which, in the present state of politics at home, would in my opinion be the happiest event that could happen to us.

I have the honor to be
Gentlemen,
Your most obedient,
and most humble servant,
EYRE COOTE.

LUCKNOW,
The 15th May 1780.

Extract of Brigadier-General Goddard's letter, dated the 28th March 1780.

My last gave you a very particular information of the situation of Scindia's forces which he was then collecting from all parts of his country to accompany him into Guzurat, since which time he has been joined by 5,000 horse from Oogein, and it is reported that another considerable body is on their march towards him, *so that the northern provinces of the Mharatta State which are mostly belonging to himself and Holcar must be now greatly exposed and open to invasions from our upper provinces by the way of Gohud and the extensive provinces of* Ajmere, the principal raja of which, the Marwar raja is, I believe, by no means well-disposed to the interests of Scindia. I have no positive proof

of this being the case, having had no correspondence or other communication with him whatever since my arrival on this side of India; but it is a circumstance generally believed, and has its foundation in former disputes and animosities; and I mention it to you, among other incidents, to give you an opportunity of judging how far it may be practicable, *as it would certainly be of advantage to the operations of the war on this side, to cause a powerful diversion to be made on the other, which could not fail to distress and divide their attention exceedingly.*

Having no object to induce me to penetrate into Malwa, but, on the contrary, risking the most material interests of the Company by leaving the province of Guzurat and the sea coast to the inroads either of a European or Indian enemy, I can only, at present, watch the motions of Scindia, to prevent him from overrunning or destroying the country, and, if possible, seize some favorable opportunity of attacking him, which, as it is his only care to avoid, I shall find some difficulty to effect.

A true extract.

W. TURNEY,

Secretary to the Commander-in-Chief.

In compliance with the rule prescribed by Mr. Francis I have been careful to annex the dates to the preceding extracts, and for greater precision will repeat them, with the facts, stated, in the order in which they happened.

General Goddard's letter to Sir Eyre Coote is dated the 28th March and was recorded in our Consultation of the 29th May. My minute which contained the first proposition of the expedition was dated the 12th June.

Mr. Francis will now permit me to quote his words for their application to the close of this argument. "On this principle I join issue with the Governor-General and affirm in his own terms that *when he proposed the execution of the measure* (that is, on the 12th June last) *General Goddard had not solicited us to make such a diversion in his favor.* The fact, if it exists, is capable of immediate and direct proof."

The preceding extracts are an immediate and direct proof of the fact.

I do not answer the remainder of Mr. Francis's minute, because it proves nothing, but that my opinion of the measures necessary to be pursued for the prosecution of the Mharatta war varied according to the variations and contingencies of the war, which, I admit, still insisting in the words of my last minute that this is not material either to the engagement which I affirm Mr. Francis did conclude with me, or to the agreement which he says he meant to enter into, since the prosecution of the war against the Mharattas, was the general object of both, and the means of course included in it.

W. HASTINGS.

Secret Dept. Fort William, the 14th December 1780.

Thursday. AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

EDWARD WHELER, Esq.

LIEUTENANT-GENERAL SIR EYRE COOTE *absent on command at the Presidency of Fort St. George.*

The Proceedings of the 29th ultimo read and approved.

The following minute from Mr. Francis having been circulated on the 1st instant, the reply which is recorded after it was delivered by the Governor-General.

MR. FRANCIS.—I leave the proofs or assertions contained in the Governor's last minute to operate with all their force against me.

The conclusion to be drawn from General Goddard's addresses to this Government, and from the weight which his opinion was likely to have with us, can only be presumptive. Up to the end of February, no words can be stronger than those in which we had received it from himself, that the forces then under his command wanted no support or reinforcement. In his judgment, "they were already superior to any service that could possibly be required of them, and equal to the most complete and absolute success." With the detachments he expected from Mahe and Bombay, he said "They would be found equal to any plan of operations that might be immediately resolved upon, and *against the whole force of the Mharatta Empire.*"

This I state as a presumptive proof that at the time when my engagement (whatever it was) was made with Mr. Hastings, he could not have entertained a thought of supporting General Goddard's operations by another expedition from hence. I submit to judgment whether the conclusion be fairly drawn from the premises or not, that he might have had such a plan in contemplation in November. That he might have abandoned it in February, and resumed it in June, are propositions not incompatible with each other. The first and last may be admitted without affecting the second. In denying that General Goddard *had solicited us to make such a diversion in his favor*, I took the proposition literally as it was stated. I was perfectly sure that he had never addressed the Board to that effect, and that a request or opinion from him had never been urged in support of the motion of the 12th of June. Whether his letter to the Commander-in-Chief, recorded on the 29th of May, be equivalent to a solicitation to us to make a diversion in his favor, in the sense in which the fact was asserted and denied, I submit to judgment. That it was not received or considered in that light by the Board, or by Mr. Hastings, is evident from this circumstance, that, on the same day on which it was recorded on our Consultations, Mr. Hastings moved for the recall of Major Popham's detachment from Gohud. I concurred in the plan proposed that day, and would have adhered to it. If General Goddard's letter to the Commander-in-Chief had been received between the 29th of May and the 12th of June, it might have been an intervening motive for an alteration of measures. But it appears that we had it before us on the 29th of May, and that we formed our first resolution without regarding it, after which it neither was, nor could be, revived in support of the second.

P. FRANCIS.

GOVERNOR-GENERAL.—Mr. Francis may avail himself as he can of the distinction between a solicitation made by General Goddard through the channel of the Commander-in-Chief to the Board, and one directly addressed to the Board. It is sufficient for me that it came regularly before us. I shall not waste my time nor his in such a discussion.

I repeat that Mr. Francis's engagement was absolute and unqualified; that in his own explanation of it the measure in question made a part of it, since it was formed previously to it and existed at the time. The assertion "that I might have abandoned it in February" is no proof that I did. I did not. It was proposed, or to use Mr. Francis's words, it was "renewed" in June. My right to his concurrence in it remained the same, notwithstanding any intermediate suspension of it. The other parts of this minute I have already answered.

WARREN HASTINGS.

The following letters from the President and Select Committee and President and Council at Fort St. George having been received since the last meeting of the Board, were circulated for the perusal of the several members:—

GENTLEMEN,—We have had the honor to receive your letters of the 2nd and 10th ultimo, and beg leave to return you our thanks for the reinforcement you have sent us, and for sparing us the services of General Sir Eyre Coote

at this juncture, as we are well aware from the general combination of the powers in India how far you have stepped forward in support of this Presidency.

You will have been informed from the other department of the steps taken in consequence of your letter of the 10th ultimo.

We are, &c.,

FORT ST. GEORGE, *The 15th November 1780.*

CHARLES SMITH *and Committee.*

GENTLEMEN,—We have the pleasure to acquaint you that Lieutenant-General Sir Eyre Coote, K.B., arrived here the 5th instant on the ship *Duke of Kingston.* We received by him your letter of the 10th ultimo, in consequence of which John Whitehill, Esq., was on the 8th instant publicly declared to be suspended from his office of President and Governor of Fort St. George, and Charles Smith, Esq., second of Council, accordingly took charge of the Government, and was proclaimed with the usual ceremonies. Accompanying we have the honor to transmit you a copy of the proceedings on this occasion.

We are, &c.,

FORT ST. GEORGE, *The 11th November 1780.*

CHARLES SMITH, *and Council.*

Ordered that the Proceedings transmitted in the letter from the President and Council be entered after the Consultation.

The Governor-General lays before the Board the following letter which he has received from the Chief at Gangam.

Mr. Turing.

HON'BLE SIR,—Our communication with Madras is interrupted by Hyder's horse posting themselves between Pulicat and Duragpatam, where they have seized all the boats. The information comes from the Madras head peon, who happend to be at Duragpatam the 24th ultimo, when he had four packets that could not be forwarded. While things are in the present situation I wisht here were two or three small vessels to go between Masulpatam and Madras, for the correspondence being cut off must be attended with the greatest inconvenience.

I have received from Mr. Greenwell a copy of his letter to you with the route from this place to Cuttack, which I hope will give you satisfaction.

I have the honor to be, &c.,

GANGAM, *The 6th December 1780.*

JOHN TURING.

Agreed that the following letter be written to the President and Select Committee at Fort St. George.

To Fort. St. George.

GENTLEMEN,—We have to acknowledge our receipt of your letter of the 15th ultimo.

Authentic information having reached us from Ganjam that the communication of that place with Fort St. George had been interrupted by Hyder Ally's horse, who had posted themselves between Pulicat and Duragpatam, where they had seized all the boats, also that four packets had been stopped at the latter place, on this account we are obliged to add this cause to the other reasons which have frequently induced us to apprehend that our correspondence with your Presidency was sometimes interrupted. We therefore strongly recommend it to you to devise some means for the conveyance of your letters and despatches to us by sea during the continuance of the war.

We herewith send you a letter to your address which we have received from the President and Select Committee at Fort Marlborough.

We are, &c.,

FORT WILLIAM,
The 14th December 1780.

P. S.—Since the above was written, we have received the letter which you have written us under date the * * * ultimo, with its enclosures.

The following letter from LIEUTENANT-GENERAL SIR EYRE COOTE having been received since the last meeting of the Board, it was circulated for the perusal of the several Members.

SIR EYRE COOTE, *the 10th November.*

Sir Eyre Coote, the 10th November.

GENTLEMEN,—My letter of the 6th instant informed you of my safe arrival at this place on the preceding day and conveyed to you the disagreeable accounts of the capture of Arcot by Hyder Ally Cawn.

The proceedings of the Council here on the suspension of Mr. Whitehill and the succession of Mr. Smith to the Government of Fort St. George will no doubt be sent you. You will see by them the very delicate and distressing predicament into which I was thrown by the line of conduct Mr. Whitehill adopted on the occasion. Determined as I was on the one hand to support the authority of your Board, and threatened on the other with all the consequences of an illegal dismission of Mr. Whitehill from his Government, provided I carried your orders into execution, and which you will see from his protests he was resolved not to act in conformity to, unless obliged to it by force, I was not a little difficulted how to proceed. You must be sensible, gentlemen, that it was a burthen which neither my situation nor your orders imposed upon me alone, to stand forth as the entire instrument of enforcing obedience to your authority; but such was the light in which I was considered to act, and such I may say was the footing on which I was obliged to exert myself. To have made use of military power at such a juncture I saw fraught with the most prejudicial consequences, whilst I was also satisfied that such an exertion could in no shape produce those good effects expected to result from the measure, nor in any degree serve to give greater currency hereafter to that controlling power with which you are vested over all the Presidencies. I therefore embraced a mode which appeared to me the most promising of every good purpose, and which was moving the Board to the previous question whether they would acknowledge your power of control. This appears nowhere upon the proceedings, but it had an equal good effect by urging the Board to a resolution on a motion I had before made for Mr. Smith's succeeding to the Government. For particulars I must beg leave to refer you to the proceedings at large, and I shall only add that I feel a satisfaction in having been instrumental in bringing a business which at first threatened such disagreeable consequences to so favorable a conclusion. However, it may not be improper to inform you that the idea is entertained of prosecuting the Supreme Council for an illegal Act.

• The melancholy intelligence of the capture of Arcot has been, since I had last the honor of writing you, too effectually confirmed by the arrival of the officers and soldiers who capitulated from that garrison. The accounts they give of the strength, good order, bravery, and activity of Hyder army are truly alarming. His approaches at the siege were carried on with all that regularity as if superintended by the most skilful engineers, and his artillery, at the same time it is numerous, so well served as repeatedly to have dismounted our guns on the batteries. These gentlemen have also informed me of another circumstance that strikes still more powerfully at the root of our influence and interest in the Carnatic. That Hyder, immediately the Pettah was taken, proclaimed protection to all the inhabitants, and strictly forbid their being plundered, or in any way molested. It seems some of his troops, who first entered the town, began to plunder. They were instantly seized and the heads of a very great number cut off. This rigid attention to the safety of the lives and property of the inhabitants, added to his having assumed the title of Soubah of the Carnatic, upon the fall of the capital into his hands, are circumstances of the most serious consideration. It is said Hyder has for the present taken up his residence in Arcot, and sent the body of his army against Vellore. I have written for an exact account of the state of that garrison, and of its ability to stand a siege. I am cruelly deprived of all good information, and of the means of obtaining it, by Hyder's horse being laid in all the roads of communication to our different garrisons. In this respect Hyder has every advantage over me, as by means of his horse he receives intelligence from hence twice every day, and of course is well informed of all our motions. Of the badness of our information no more striking proof can be given than the uncertainty of the intelligence about Arcot, which on my arrival here was affirmed to be in our possession, notwithstanding it had actually been taken two days before I reached Madras.

Since my arrival here I have already experienced the absolute necessity there is for the appointment of an Adjutant-General of India. In the present situation of our affairs, when armies and detachments from the different establishments must act together, the post is an appendage to my commission as necessary as my own appointment, and the service will naturally meet with impediments without it. I must confine the inferior general detail of all our forces to one particular channel; that channel must be filled by an officer whose military abilities I am thoroughly acquainted with, and who possesses my confidence. On these grounds I must desire that your Board will be pleased to appoint Lieutenant-Colonel Owen to that office, fixing the establishment of it on a proper eligible footing. The officer who fills the post of Adjutant-General to this establishment is, I dare say deserving, but from the partial routine of his duty, is totally unacquainted with the general system of all the different establishments. Should the Court of Directors not approve of a continuation of the office, I can aver that in time of war, such as the present, it is absolutely and indispensably necessary.

Letters of the 10th October from Anjengo advise that two days before came into that road a ship of thirty guns and a brig of sixteen, both privateers from the Mauritius, in forty-two days. They came through the nine degree channel and, when within 8 leagues of Cochin, fell in with and took the ship *Bombay Merchant*, Captain Virtue, from Bussora, which with the Captain they sent to the Mauritius, and landed the two mates at Anjengo: they then stood out to sea, pretending to go to their fleet, which they gave out was only two degrees off the land, but it is supposed they are gone to cruize off Ceylon. The goods on board the *Bombay Merchant* are valued at upwards of four lacks of rupees. The mates say the Captain had charge of a Europe packet for Madras and they believed also one for Bengal, but that he had time enough to sink it before the enemy got possession of the ship.

• The hurry in which the weather obliged us to sail from the river occasioned our leaving behind some of the tents belonging to the detachment: as I conclude they returned to Calcutta I must request your making enquiry after them, and that you will send them, and as many more as can possibly be spared, by the earliest conveyance, being much wanted here.

It may not be amiss to give you this early information, as a guide for making the necessary provision for the future disbursements at this settlement, which, by the nearest computation I can make, will rather exceed seven lacks of rupees per mensem, every cowrie of which must come from Bengal, as I find there are no resources here from whence a single pagoda is to be expected. I shall in a day or two have an exact estimate of every expense made out and forwarded to you for your more particular information.

The 10th November.—I went yesterday to review the army encamped 5 miles from hence; appearances not in their favor, but what is worse, I found from the officer in command of the sepoys that the capture of Arcot, from whence they most come, have, from the circumstance of their wives, families, and other near relations being there, not only dispirited them, but created in them that kind of aversion to the service which has already produced many desertions, and in case of actual service given us every reason to apprehend infidelity. Judge from this, how anxious I must be for a recruit of sepoys from Bengal, even if the detachment which is to come by land is set out, as it is impossible it can reach me for these four months to come, long before which time I conceive every thing will be decided one way or other. I must entreat it of you as a point most material to the success of my operations, and absolutely necessary to avert that danger, that you use your endeavours to obtain volunteers from among the battalions. There are many possibly who will undertake a voyage which at this season is very short, and send some to me, many opportunities may offer by the ships which now daily sail from Calcutta to this place. When at camp I was surprized to regard their supply of provisions, which I found come in so scanty as to be scarcely sufficient for one day's expense. The town of Madras now live on the supply lately come from your quarter, of which there is not enough in store for one month's expenditure. The country around affords us no assistance. They promise a supply of grain from the north, but none is likely to arrive soon,—in short we have no certain dependence but from Bengal. I must request therefore that you afford us every assistance by sending constant supplies, and giving every encouragement to the importation of all kinds of grain to this place.

I have the honor to be, &c.,

EYRE COOTE.

FORT ST. GEORGE,
The 10th November 1780.

Agreed that the following letter be written to LIEUTENANT-GENERAL SIR EYRE COOTE.

To Sir Eyre Coote.

SIR,—We have the honour to acknowledge our receipt of your letters of the 6th and 10th ultimo. It has given us great pleasure to hear of your safe arrival at Fort St. George with the detachment of our troops which embarked with you from this place, and we are happy to believe that the measures which we thus adopted for the aid of that Presidency will be followed by the best effects; but among the several advantages which we flatter ourselves our efforts will have produced to the public service, we think none so essential to its prosperity as that which is likely to be derived from your ready compliance with our request of you to take the command of the army on the coast. There cannot be a stronger proof of the necessity under which this request was made than is found in the state of that army as represented to us in your letter of the 10th ultimo; your presence at its head cannot fail to give it new hopes, and your exertions will, we trust, give success to its operations. Our endeavours have continued, and will continue, as far as we can possibly exert them, without certain hazard to the interests of this country, to promote its success, and we take this opportunity of informing you that, in attention to the strong recommendation conveyed to us by you before you left this country, we determined on an early resolution to detach six battalions of native infantry with their guns and one company of European artillery towards Madras over land. The necessity of more artillerymen for the service and our inability to spare more

than this European company have prevailed with us in directing that a company of Golandaaze should be also formed for the service of this detachment, which we have put under the command of Lieutenant-Colonel Pearse. The order for the march of these troops being to depend on the answers given by the Government of Berar to the important dispatches which were sent to them at the latter end of September, we have been waiting in anxious expectation of it; but in the meantime thought it proper to direct that the detachment should commence its march to Naraingur, the place appointed for the rendezvous of the different corps composing it, and we hope that, at the time of the arrival of the whole detachment there, we shall be enabled by the receipt of the expected advices from Naugpore to give orders for the prosecution of its march. In respect to the recommendation which you urge to us to use our endeavours for obtaining volunteers from among the battalions to proceed by sea to Fort St. George, we confess that we ourselves do entertain some doubts of its perfect expediency, but we shall more certainly inform you on this subject in our next letter.

It has given us concern to be informed of the capture of Arcot by Hyder Ally's forces, but it has surprized us the less, as we long since expected to hear of the event. The gallant and long resistance made by the few officers and troops who garrisoned this fortress does them the highest honor, and in our opinion of it, the loss is not likely to have that influence on our credit and importance which might have been feared from it in former times, when it stood first in consequence in the dominions of the Nabob of the Carnatic, for it has long ceased to be more than nominally the capital of the Nabob's country.

We have attentively considered that part of your last letter now before us which relates to the necessity which appears to you for the appointment of an Adjutant-General of India, and think it proper to inform you that, on an early view of the same necessity, we had the subject in debate. We were all equally convinced of the necessity of appointing such an office for receiving and issuing all the reports and orders of the military corps of the three Presidencies, and for directing their co-operation for the general protection and defence of the Company's interests, involved in one common and equal cause; but as the Court of Directors had declared their resolution, grounded on a formal vote of the Court of Proprietors, that they would not permit the institution of an office of Adjutant-General for all their military establishments in India, and as we deemed this declaration to amount to a virtual prohibition of such an appointment by any inferior authority, we could not resolve on its establishment, though we agreed to recommend it to the Court of Directors, and did strongly recommend it to them in our last dispatches. We agreed also to suspend the present salary paid to Lieutenat-Colonel Owen until the pleasure of the Company should be received concerning it, but as the establishment of his office is, in the present state of it, beyond all question, inadequate to the real expense, we have allowed him to draw for the actual disbursements of it, declaring each bill on the foot of it to be true upon honor.

With this information before you, you will be enabled to form your ultimate opinion on the subject of it, and we shall leave that part of your letter which relates to it in suspense, until we hear further from you.

You may depend on regular and full supplies of treasure so long as we shall be able to afford for the support of your army, and we must request that you will order to be transmitted to us proper estimates of the same, that our supplies may be determined by a clear rule.

It appearing from an extract of a letter laid before us by our Accomptant-General from the Paymaster of the troops detached from Bengal, and Agent to the Supply of Treasure consigned by us to you, that the gold mohurs which were supplied you for the use of military disbursements will be subject to a loss of almost 10 per cent., we deem it necessary to enquire into the cause of this unprecedented loss, and therefore request that you will furnish us with the Assay Master's report of such as were recoined. We wish also to be informed of the necessity of such a measure as the recoinage of gold mohurs,

as we conceive that gold mohurs are current in every part of Indostan, and in particular that they ought to be so in the Company's dominions. We wish likewise to be furnished with a particular account of the different species of gold mohurs that were supplied, that in case we should find it necessary to prosecute the enquiry here we may be possessed of the necessary documents to ascertain the causes of it, and the persons who ought to be responsible for it. For this purpose we also request to be informed whether the loss alluded to arose from debaseness in the quality or deficiency of the weight, or to what other cause it is justly to be attributed, as it is loss we have never before experienced in our remitances of gold to the Presidency of Fort St. George.

We are sorry to hear of the great scarcity of provisions of which you complain, and shall do all that we are able to furnish Fort. St. George with supplies of grain from hence. The large quantity of rice which Mr. Fergusson engaged to deliver at that Presidency is all shipped, and we have lately appointed an agent for providing several kinds of grain for their service in any quantities which he may be able to procure. We have already sent away some salt provisions on ships which have lately sailed; we have agreed to purchase a large quantity belonging to Mr Samuel Touchet and now at Fort St George; and we have agreed for a further supply of beef and pork deliverable here in February next.

A number of tents belonging to the detachment from this establishment serving at Madras will be sent thither on the *Duke of Portland*, which will sail in a few days, agreeable to the enclosed list.

Being in great want of the *Indus* and *Intelligence* schooners which were sent to Fort St. George with the *Duke of Kingston*, and placed under your orders, we request that you will return them to us as soon as possible. They are much required for the ordinary, as well as extraordinary, services of this Government. Your strong recommendation of Mr. Simpson shall be followed by the ready attention which is due to it, on his return to Bengal.

Not having received any letters from you bearing a later date than the 10th ultimo, we have reason to fear that some may have been intercepted, and we are strengthned in this apprehension by information received from Ganjam that the communication of that place with Madras was interrupted by Hyder's horse, which had posted themselves between Pulicat and Duragpatam, and that the Madras peon, who was at Duragpatam on the 24th ultimo, and had four packets in his charge, could not forward them.

This intelligence has induced us to recommend it to the President and Council at Fort St. George to devise some means of conveying letters from that Presidency to us by sea during the continuance of the war.

We are, &c.

FORT WILLIAM,
The 14th December 1780.

P.S.—Since the above was written, we have received the letters which you have written to us under date the 19th and 20th ultimo, with the several enclosures.

Secret Dept., Fort William, the 18th December 1780.
Monday.

AT A COUNCIL, PRESENT:

THE HON'BLE WARREN HASTINGS, *Governor-General, President.*

EDWARD WHEELER, ESQ.

LIEUTENANT-GENERAL SIR EYRE COOTE, K.B., *absent on Command at the Presidency of Fort St. George.*

Read and approved the Proceedings of the 14th instant.

Read the following letters from LIEUTENANT-GENERAL SIR EYRE COOTE, dated the 20th November 1780.

GENTLEMEN,—I have the honor to enclose you copies of my letters of the 8th and 11th instant.

I am sorry that their contents should convey to you such unfavorable accounts of the state of affairs here, and I am still more so to inform you that the further I look into them the greater do I find their distraction, and the greater of course the difficulty of applying remedies.

In short, no regular plan for the management of the Military Department has been either laid down or adopted, and so little attention has been paid to that first and most essential point, their own safety and security in the garrison of Fort St. George, which after the defeat of Lieutenant-Colonel Baillie's detachment and the consequent retreat of the army from Conjeveram, they had every reason to apprehend might be besieged in the course of twenty-four hours, that I am almost confident had Hyder Ally followed his successes at that time to the gates of Madras, he would have been in possession of that important fortress. He has however to my great satisfaction lost the opportunity, and I think the measures I am now pursuing to provide against all accidents will render any future attempt, fortune may put in his power, ineffectual.

For the prosecution of these very necessary arrangements, and for strengthening by such means as are within my reach, my very small and enfeebled army, I am favored by the setting in of the monsoon, which has commenced with such heavy rains as I have hardly ever been witness to on this coast. This has obliged me for the present to throw the troops into cantonments, but in which I have used all possible address, by choosing the most contiguous places to the former encampment for that purpose, and by still occupying what were then the advanced posts, which I have strengthned so as to render them formidable against any sudden surprize. The main body I have formed into three grand divisions on Choultry Plain, that I might not, by drawing any part into cantonments, give birth to an idea so unfavorable to our interests as that I had deserted the field. I reside myself with one of those grand divisions, that I may be in readiness to embrace any opportunity that may offer of obtaining an advantage over the enemy.

I cannot pretend to say what changes, whilst the season obliges me to remain inactive, may be produced either by time or my own exertions, but it is necessary I should tell you that were I not obstructed by the weather, and ever so willing to enter upon action, my force is neither sufficient nor in so prepared a state as to be equal to the undertaking of attacking Hyder in the very formidable posts which he now occupies. Besides there are other very material reasons which render it for the present altogether impossible. The deficiency of tents is mentioned in my last letter. I am now having some made of such materials as are procurable. The field artillery requisite for the service is not in readiness, of which there needs no other testimony than barely my mentioning that at this moment carriages and tumbrils are making for it. This circumstance evinces how little that very essential branch of the Military Department has been regarded. The draft cattle, besides being deficient in numbers, are in so weakly a condition that twenty yoke of them but two days ago, with the greatest difficulty, dragged a twelve-pounder through the streets of the garrison. What then is to be expected of them in the unequal grounds and bad roads which must be met with in the course of a campaign. It is impossible to say when or how I may be able to remedy this worst of evils, as my enquiries hitherto for a supply of draft bullocks have neither produced present nor promised me hopes of future success, and last of all are the inconveniences which arise respecting provisions. My last letter acquaints you with their scarcity, and that there were none to be had beyond five miles of this place, and what little could be drawn from that small circle I may safely say is already pretty well exhausted. Moreover, what articles it does furnish are of a kind more calculated for the use of the European inhabitants, to whom they prove but a scanty supply for one day's expense, than as stores for the general subsistence of an army. It is evident then that whenever I may march, I must carry every article of provision for the use of the troops from hence; and as I could not either in prudence, or from a knowledge of the length of time to which my operations may be extended, limit myself on that score, the quantity (for which supposing I either had or could procure sufficient carriage, of which there is not now enough to convey six days' provisions) would be so considerable

that against the very large bodies of horse which would harass me on all sides, my little army would scarcely prove an adequate guard. Had I but four thousand cavalry to assist in this necessary part of duty, I shall apprehend nothing. As it is, until I am sufficiently prepared to act offensively, all I can promise myself is, that I shall most certainly engage the enemy should he move this way. I am at present taking means to procure a body of cavalry, in which, should I succeed, I shall esteem myself fortunate, notwithstanding the heavy additional expense it may subject the Company to. Favored by the season, I am now preparing to send off under a strong escort a small supply of provisions for the garrison of Chingleput.

Having stated to you pretty fully my own situation, I shall now give you some account of Hyder's. He has taken up his residence in Arcot, where he is now employed in completing his artillery park, and in putting the place in the best state of defence possible. The Polygars of the countries he has possessed himself of, as well as the officers of the Nabob who were there for the business of the collections, are all attending at his Darbar, and he has uniformly confirmed them in their respective employments. He has sent strong detachments from his army to occupy every station of any kind of consequence betwixt us and him, and which he has also fortified. He has likewise sent considerable bodies to cut off our communication with, and to prevent supplies from going into, the forts in which we have still garrisons, and which I am sorry to say, are very ill-prepared for resistance; for exclusive of their having but a small stock of provisions, they are scandalously deficient in the military stores necessary for their defence. In some there are guns understood to be for that purpose, but without carriages to mount them. Whilst in making these observations I reflect blame on this Government in general, I must in justice to the person at the head of the military say that, upon reading his reports and representations, I find that he has not been wanting in attention to what was his proper sphere.

Intelligence has lately arrived from Pondicherry which informs us of the people there having raised two new corps which they call Hyder's, and from which, at this present time, parties are stationed on the high roads, who collect duties on grain and all other necessaries of life going into Cuddalore. Whilst they are thus employed by land, they are not inactive also by sea, on which they have got a number of armed boats which take and plunder the small craft which go along the coast to and from this place to the southward with merchandize and provisions; and so very injurious have their operations of late proved to the trading part of the community, that at the earnest solicitations of the gentlemen of the Council, and being myself satisfied of its public utility, I have taken upon me to detain the *Tanner* schooner, Captain Sherman, which is to be properly armed, and to go up and down the coast and destroy all boats which he may find either employed or which he may suspect, to be engaged as mentioned above.

I have also at the particular request of the gentleman of the Council agreed to detain the *Intelligence* schooner, Captain Murray, who is gone to the Straits of Malacca to give information to our China ships of the French cruisers that have appeared on the coast, that they may be on their guard, and to bring us back any intelligence he may get relative to the French ships. The step, besides its being of importance to the real interests of the Company, was judged absolutely necessary, as some accounts which have been received in the settlement inform of more frigates than those which have appeared on the Malabar Coast being fitted out from the Mauritius, and which there is therefore reason to suspect may be gone to the Straits.

Judging it also a matter of the utmost consequence that our Bombay Administration, the Admiral and Brigadier-General Goddard should be made particularly acquainted with the situation of affairs here, and considering the little safety there now is in sending letters by land, and likewise the impropriety there would be in trusting matters of such importance entirely to so precarious and dangerous a channel of conveyance, I have sent round the *Indus* schooner, Captain Jones, with my several dispatches to them, and desired she may be returned here as soon as possible. On the subject of these dispatches

it is only necessary I should inform you that I have in general terms recommended to them to unite in distressing the possessions of Hyder in any way that may be in their power.

I hope all these transactions will meet your approbation. I cannot however help expressing my regret at depriving you, even for a time, of the use of vessels which are of such real service, and so much wanted as piloters in the Bengal river. I trust however, as the present season was unfavorable for their return, and as they could not in all probablity have completed their voyage back in less than six weeks, perhaps two months, that in the end, as they will leave this coast at a time when they may go in a few days, it will make no great difference.

We are further informed of many new buildings erecting at Pondicherry, of its increasing daily in the number of its inhabitants, and of many people having resorted to it from under our own protection as a place of security,—in short, that it bids fair to be soon a very flourishing city. Very large quantities of grain which Hyder collects from the country are now laying up at Karringaley, which place we very impolitically neither defended nor destroyed, and which from its vicinity to Pondicherry, and the little probability that Hyder should think of it for his own use as a granary, I have a stong suspicion that it must be intended for the French on their arrival, which event he daily expects.

For your better information on the state of the provisions in the garrison of Fort St. George, I inclose you a copy of an estimate which I desire might be formed for the proper complement of men, &c., for six months, which, everything considered, cannot be deemed too long a time to be previously provided.

I likew e enclose you an abstract estimate of the military expenses of this establishment for one month, agreeable to which I must depend upon you for may future supplies. I have to this estimate annexed a memorandum of the monthly expense of the civil establishment for your information, in case you should see it convenient at any time to assist the wants of that department.

I must now conclude this letter with informing you of my having had several conferences with the Nabob Walla Jah, but which I am sorry to say have afforded me no hopes of assistance from him; on the contrary, he pleads inability in every way and looks entirely to the Company for the support both of his cause and credit. His influence in the country seems to be completely overturned, nor can I find that he has a single adherent or even friend left in it. I confess I am somewhat astonished at so very rapid a revolution in his affairs and cannot help suspecting that his second son the Aumur has contributed to hasten his present distresses. But what surprizes me most is that I have not yet been able to procure through his means any good information regarding either the strength or movements of the enemy.

HEAD QUARTERS,
CHOULTRY PLAIN,
The 19th November 1780.

I have the honor to be, &c.,
EYRE COOTE.

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